

BIENNIAL REPORT
OF THE
ATTORNEY GENERAL
OF THE
STATE OF NORTH CAROLINA

VOLUME 39

1966-68

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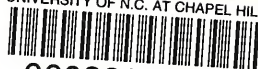
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BIENNIAL REPORT
OF THE
ATTORNEY GENERAL
OF THE
STATE OF NORTH CAROLINA

VOLUME 39
1966-1968

THOMAS WADE BRUTON
ATTORNEY GENERAL

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Assistant Attorneys General

LETTER OF TRANSMITTAL

31 December 1968

To his Excellency

DAN K. MOORE, *Governor*

Raleigh, North Carolina

Dear Governor Moore:

In compliance with Article III, Section 7 of the Constitution, I herewith submit the report of the Department of Justice for the biennium 1966-1968.

Respectfully yours,

THOMAS WADE BRUTON

Attorney General

LIST OF ATTORNEYS GENERAL SINCE THE ADOPTION OF CONSTITUTION IN 1776

	<i>Term of Office</i>
Avery, Waightsill	1776-1779
Iredell, James	1779-1782
Moore, Alfred	1782-1790
Haywood, J. John	1791-1794
Baker, Blake	1794-1803
Seawell, Henry	1803-1808
Fitts, Oliver	1808-1810
Miller, William	1810-1810
Burton, Hutchins G.	1810-1816
Drew, William	1816-1825
Taylor, James F.	1825-1828
Jones, Robert H.	1828-1828
Saunders, Romulus M.	1828-1834
Daniel, John R. J.	1834-1840
McQueen, Hugh	1840-1842
Whitaker, Spier	1842-1846
Stanly, Edward	1846-1848
Moore, Bartholomew F.	1848-1851
Eaton, William	1851-1852
Ransom, Matt W.	1852-1855
Batchelor, Joseph B.	1855-1856
Bailey, William H.	1856-1856
Jenkins, William A.	1856-1862
Rogers, Sion H.	1862-1868
Coleman, William M.	1868-1869
Olds, Lewis P.	1869-1870
Shipp, William M.	1870-1872
Hargrove, Tazewell L.	1872-1876
Kenan, Thomas S.	1876-1884
Davidson, Theodore F.	1884-1892
Osborne, Frank I.	1892-1896
Walser, Zeb V.	1896-1900
Douglas, Robert D.	1900-1901
Gilmer, Robert D.	1901-1908
Bickett, T. W.	1909-1916
Manning, James S.	1917-1925
Brummitt, Dennis G.	1925-1935
Seawell, A. A. F.	1935-1938
McMullan, Harry	1938-1955
Rodman, William B., Jr.	1955-1956
Patton, George B.	1956-1958
Seawell, Malcolm B.	1958-1960
Bruton, Thomas Wade	1960-1968

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SUMMARY OF ACTIVITIES

IN GENERAL

The general activities of this Office include participation in litigation involving such diverse subjects as fitness of welfare applicants to receive aid or licenses, appeal from the Board of Alcoholic Control's revocation or suspension of a license, questions involving the Teachers' and State Employees' Retirement System, cases involving birth certificates or the water supply of a city, supervision of charitable trusts and escheat of unclaimed funds, propriety of regulations of various State agencies, tort claims for and against the State, and supervision of claims paid by the insurer of State vehicles as well as the handling of workmen's compensation claims for all State agencies.

Various members of the Staff regularly attend meetings of State agencies including meetings of the Council of State, State Board of Public Welfare, Eugenics Board, Utilities Commission, Banking Commission, Conservation and Development, Water Resources, Board of Trustees of the Retirement System and many others. In addition, the Staff regularly advises these and other departments and agencies on legal matters.

Much of the correspondence of several members of the Staff, as well as some of the litigation of the Office, is concerned with collection of State monies by reason of escheat, student loans by State colleges and universities as well as by the Medical Care Commission and the Educational Assistance Authority, accounts in the mental hospitals and TB sanatoriums, and damages for State vehicles and buildings, State forests and lands.

Members of the Staff also include the Revisor of Statutes and the Director of the Division of Codification and Legislative Drafting. It is estimated that various members of the Staff in combination prepared more than 2,000 bills for the 1967 General Assembly.

HIGHWAY DIVISION

During the past biennium, the Attorney General, in the discharge of his responsibilities to represent the State Highway Commission, its Chairman and Administrator, has handled a work load similar to that handled during the previous biennium. A considerable increase in work due to the \$300,000,000 Highway Bond Program was offset to some extent by temporary cutbacks in the Federal Highway Aid Program and the Appalachian Highway Program.

In addition to the matters handled in court, the members of this staff participated with the administrative personnel of the Highway Commission in the determination of a large number of claims brought by highway contractors arising out of contract work carried on by the Commission. At the close of the biennium, twenty (20) contract cases are pending. The staff has also represented the Commission in the adjustment of claims for damage to Commission property and numerous other miscellaneous matters.

In addition, members of the staff have drafted, reviewed or approved approximately sixteen thousand (16,000) leases, deeds, right-of-way claims, encroachment contracts, miscellaneous agreements with utilities, railroads,

municipalities and other governmental agencies, as well as construction contracts. The staff has also rendered advice and assistance to the Commission in virtually all of the legal functions of the Highway Commission and all legal problems arising in which the Highway Commission is involved.

MOTOR VEHICLE DIVISION

During the past biennium, this Division has continued to advise the Commissioner of Motor Vehicles and all divisions of the Department of Motor Vehicles, including Driver Licensing, Registration, State Highway Patrol, Dealer License and Safety Inspection, Driver Education, Common Carrier, and Financial Responsibility in the performance of their duties under the Motor Vehicle Laws of the State of North Carolina.

During the 41st Basic State Highway Patrol School this Division conducted 48 classroom hours of instruction comprising the following subjects: Introduction to Law and Government; Law of Evidence; Laws of Search and Seizure; Laws of Arrest and Patrol Jurisdiction; and Constitutional Rights of Defendants.

Questions of interpretation of the Motor Vehicle Laws have resulted in the issuance of 376 advisory memorandums and 33 official opinions by this Division.

As a result of the increasing interest in highway safety and the 1966 Federal Highway Safety Act, legislation in the motor vehicles field has greatly increased. During the 1967 General Assembly, this Division drafted 128 bills for introduction in that body resulting in 84 amendments to the motor vehicle laws.

PROPERTY CONTROL DIVISION

During the biennium, the Property Control Division enabled various State agencies to acquire by purchase a total acreage of 1,118.42 acres (153 lots) at a total price of \$2,779,013.00. In addition, the Department handled gifts of land, allocation between agencies, timber sales, land conveyances totalling 2,038.51 acres, leases and easements. Condemnation, easements, shipping damages, trespass actions, ownership of historical artifacts and oyster leases were the subject of litigation. All construction contracts were reviewed, applications to dredge and fill in coastal waters were investigated, and legal problems in connection with lease agreements, contracts for purchase of land and equipment were attended to.

REVENUE DIVISION

The Revenue Division provided day to day contact with and advice to the Commissioner of Revenue and his staff on State tax matters and other related subjects. In this capacity, the office provided representatives at many conferences with Revenue officials and taxpayers as well as hearings held in the office of the Commissioner of Revenue involving questions of tax liabilities. Another service provided by the Revenue Division is the collection of outstanding delinquent taxes owed by persons outside the State of North Carolina. A substantial number of these were collected by direct

contact with the taxpayer although some were collected by employing a local attorney under the provisions of the Revenue laws. The majority of these cases involved delinquent income taxes and a substantial number involved sales and use tax. In all, 103 claims are now pending and 93 were closed at the end of the Biennium, some of which are in courts in other states, some in the hands of attorneys and some are being handled through direct contact with the taxpayers. The amount of money collected during the period was approximately \$15,000.00.

Another important phase of the work of the Revenue Division is advising members of the General Assembly on tax matters and the drafting of bills for introduction by members of the General Assembly. For the 1967 Legislative Session, approximately 175 bills were drafted.

UTILITIES DIVISION

This Division provides daily contact with the Using and Consuming Public of North Carolina in utility-related matters. These duties include the handling and processing of litigation in the following general categories: (a) The preparation and presentation of evidence in the principle rate cases. These include electric rate cases, telephone rate cases, motor freight cases, natural gas rate cases, water utility rate cases, general rail rate cases, and rail rate cases on less-than carload shipments. (b) The representation of the Using and Consuming Public in the investigation, preparation, and presentation of evidence relating to *service* cases. These cases involve the following public utilities and common carriers: electric, gas, water, telephone, motor and rail passenger and freight. (c) The representation of the Using and Consuming Public on appeals from the Utilities Commission to the Superior and Supreme Courts of North Carolina. (d) When appropriate, the representation of all State agencies, the Using and Consuming Public of North Carolina and the State of North Carolina, in utility matters before various Federal Boards and agencies in cases affecting rates and services to shippers and utility users in North Carolina. (e) The preparation and presentation of evidence in union bus and rail passenger stations in North Carolina; many of these proceedings involve the abandonment of service of local bus and rail passenger carriers. (f) The participation in matters relating to natural gas used in North Carolina.

This Division has been assigned the duties of legal advisor as it relates to water law and use and is the legal advisor to the North Carolina Board of Water and Air Resources, North Carolina Soil and Water Conservation Committee and the North Carolina Seashore Commission. As the legal representative, the Division is called upon on numerous occasions to attend all meetings, to represent the water pollution control, Air Pollution Control, Water Management and use, ground water, Navigable Waterways, and other water and air related Divisions of the State in the Courts of North Carolina and in the appropriate Federal Commissions and Boards.

EXHIBIT I

CIVIL ACTIONS IN STATE AND FEDERAL COURTS AND ADMINISTRATIVE HEARINGS DURING THE BIENNIUM 1966-1968

*Number of
Cases*

IN THE SUPERIOR COURT OF NORTH CAROLINA

Banking Commission	2
Board of Alcoholic Control	58
Insurance Department	22
Miscellaneous	25
Motor Vehicles	172
Property Control	25
State Highway Commission	963
State Highway Patrol, Damage Claims	15
Tax Cases	79
Utilities	9
Welfare	7
TOTAL	1,377

IN THE NORTH CAROLINA COURT OF APPEALS

Department of Correction	545
Greater University of North Carolina	3
Insurance Department	2
Motor Vehicles	2
State Highway Commission	8
Tax Cases	4
Utilities	2
TOTAL	566

IN THE NORTH CAROLINA SUPREME COURT

Board of Alcoholic Control	2
Department of Correction	336
Insurance Department	1
Miscellaneous	6
Motor Vehicles	2
State Highway Commission	14
Tax Cases	18
Utilities	3
TOTAL	382

IN THE UNITED STATES DISTRICT COURT

Department of Correction	753
Insurance Department	2
Miscellaneous	2
Tax Cases	7
Utilities	2
Welfare	2
TOTAL	768

IN THE UNITED STATES COURT OF APPEALS

Department of Correction	60
Utilities	1
TOTAL	61

IN THE UNITED STATES SUPREME COURT

Department of Correction	17
Miscellaneous	1
TOTAL	18
 Extradition	 53
Federal Communications Commission	1
Federal Power Commission	1
Industrial Commission, Tort Claim Hearings	
Department of Correction	30
Highway Commission	114
Miscellaneous State Agencies	10
School Buses	87
Industrial Commission, Tort Claims Settled	
Highway Commission	63
Miscellaneous State Agencies	26
School Buses	527
Industrial Commission, Workmen's Compensation	
Department of Correction	50
Highway Commission	26
Miscellaneous State Agencies	69
Interstate Commerce Commission	2
Medical Review Board (Denial of Drivers' Licenses)	75
State Board of Assessments	1
Tax Review Board	35
Utilities Commission	48
TOTAL	1,218

EXHIBIT II

CRIMINAL CASES DISPOSED OF IN THE NORTH CAROLINA SUPREME COURT DURING THE BIENNIUM 1966-68:

Accessory, Armed Robbery	1
Accessory, Murder	1
Aiding and Abetting in Interrupting & Disturbing Schools	1
Assault and Battery	3
Assault on Female	6
Assault with Deadly Weapon	20
Assault with Intent to Kill	5
Assault with Intent to Rape	10
Attempt to Evade State Tax	1
Attempted Safe-Cracking	1
Breaking, Entering, Larceny, Receiving	71
Burglary, First Degree	6
Burglary, Second Degree	1
Carrying a Concealed Weapon	5
Conspiracy	1
Conspiracy to Commit Armed Robbery	1
Contempt	1
Crime Against Nature	2
Damage to Real Property	3
Disorderly Conduct	1
Disturbing Peace	1
Driving While Under the Influence	16
Embezzlement	1
Escape	13
Felonious Assault	6
Felonious Breaking & Entering	3
Felonious Larceny	2
Forgery	7
Harboring an Escapee	1
Hit and Run	1
Hunting Deer by Artificial Light	1
Incest	1
Indecent Exposure	2
Injuring a Public Building	1
Involuntary Manslaughter	6
Kidnapping	5
Manslaughter	22

Murder, First Degree	15
Murder, Second Degree	17
Nonsupport	4
Operating a Taxi with Alcohol in Possession	1
Oppression	1
Peeping Tom	1
Possession of Implements for Housebreaking	5
Probation Revoked	1
Profanity - Telephone	1
Public Drunkenness	1
Rape	13
Resisting Arrest	3
Robbery - Armed	37
Robbery - Common Law	10
Robbery - Highway	3
Safe - Cracking	6
Suspended Sentence Revoked	1
Unlawfully Disposing of Mortgaged Property	1
Uttering a Forged Instrument	2
Violating Liquor Laws	3
Violating Motor Vehicle Laws	4
Violating Narcotics Acts	5
Violating Rules of the Road	7
Willfully & Unlawfully Interrupting & Disturbing Schools ..	1

TOTAL	373
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Miscellaneous Motions, Petitions, etc.	68
Petition for Stay of Execution, Denied	3
Petition for Stay of Judgment, Denied	1
Petition to Review, Denied	2
Writs of Certiorari, Allowed	61
Writs of Certiorari, Denied	231
Writs of Certiorari, Reconsidered or Withdrawn	3
Writ of Error Coram Nobis, Denied	1
Writ of Habeas Corpus, Allowed	2
Writ of Habeas Corpus, Denied	19
Writ of Habeas Corpus, Withdrawn	1
Writs of Mandamus, Denied	6
Writ of Prohibition, Denied	1

TOTAL	397
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**CRIMINAL CASES DISPOSED OF IN THE NORTH CAROLINA COURT
OF APPEALS DURING THE BIENNIUM 1966-68:**

Assault	4
Assault with Deadly Weapon	4
Assault with Intent to Rape	2
Attempted Breaking & Entering	1
Breaking, Entering, Larceny, Receiving	30
Burglary, First Degree	1
Burglary, Second Degree	1
Crime Against Nature	1
Damage to Real Property	2
Driving While Under the Influence	3
Escape	3
Forgery	1
Manslaughter	8
Murder, Second Degree	5
Public Drunkenness	2
Rape	2
Robbery—Armed	6
Uttering Forged Instrument	1
Violating Liquor Laws	1
Violating Motor Vehicle Laws	1
Violating Rules of the Road	2
Willfully & Unlawfully Pointing a Pistol at a Person	1
TOTAL	82
Writs of Certiorari, Allowed	1
Writs of Certiorari, Denied	12
Writs of Habeas Corpus, Denied	1
TOTAL	14

**FEES TRANSMITTED BY THE ATTORNEY GENERAL TO THE
STATE TREASURER FOR CRIMINAL CASES ON APPEAL ... \$976.67**

NORTH CAROLINA
STATE BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE
RALEIGH

MYRON H. MCBRYDE

P. O. Box 2828

Director

The Honorable Thomas Wade Bruton
Attorney General
State of North Carolina
Raleigh, North Carolina

Dear Attorney General Bruton:

There are summarized herewith the principal objectives, responsibilities, and biennial statistical accomplishments of the State Bureau of Investigation for your 1966-67 and 1967-68 Biennial Report.

As you are aware, the General Assembly authorized the Attorney General of North Carolina to establish the State Bureau of Investigation in order to secure a more effective administration of the criminal laws of the State, to prevent crime, and to procure the speedy apprehension of criminals, and perform other duties imposed by law. Further, the Bureau shall have charge of other crimes and criminal procedures as the Governor and the Attorney General may direct.

The Bureau's present staff includes 13 administrative and stenographic employees, 9 laboratory special agents or technicians, 2 criminal statistics employees, and 40 special agents assigned to major criminal investigations throughout the State, and the Director, for a total of 65 employees.

Personnel of the Bureau during this past biennium successfully completed a total of 7,697 investigative requests of local law enforcement agencies and conducted 149,872 examinations and analyses of evidence collected and/or submitted to our Crime Laboratory. Special Agents of the Bureau participated in the recovery of property valued at \$948,796.87 during this period and returned same to the owners thereof.

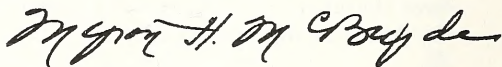
The Bureau is required by State Statute to administer our State's Private Detective Law. As of October 1, 1968, there were 47 licensed private detective agencies, employing a present total of 124 licensed private detectives.

The State Bureau of Investigation also assists, when requested, in the training of members of local law enforcement agencies, as well as other State agencies. During this period, we participated in the advanced and specialized training of 366 officers for a period of 44,724 special agent hours. Each of those attending these sessions received an average of 122 classroom credit hours. The Bureau also trained one officer from Iran here in the Bureau's headquarters at the request of the U. S. AID Department; and also two members of local law enforcement agencies in the Bureau's Identification Section.

An additional service performed by this Bureau during this biennium was the publication of the State Bureau of Investigation Law Enforcement Bulletin. Approximately 127,000 Weekly Bulletins were furnished to law enforcement agencies and officers. There is a reduction in this category from the last biennium due to lack of funds. In the past, approximately 20,000 copies of the bulletin were furnished to universities, colleges, high schools, and other educational institution libraries, but due to the above reason, this practice had to be discontinued.

The bedrock of any business enterprise is held by many noted authorities to be the loyalty and devotion to duty of its employees. The employees of the Bureau, during 1967-68 alone, worked well over 20,000 additional hours without any compensation. This indicates a most high degree in the quality of the dedicated employees of this Bureau to see that the job gets done. It is our hope that the oncoming General Assembly will assist us in honoring our requests, that all our efforts may be equalized more realistically. The above examples show the important strides we have been able to make in penetrating the criminal conspiracy of North Carolina, and we hope to intensify our efforts to uncover the operations of all criminal elements in our great State.

Respectfully submitted,



Myron H. McBryde
Director

The following shows source of requests and types of work for the Fiscal Year 1966-1967:

Offenses	Sheriffs' Depts.	Police Depts.	Highway Patrol	Solicitors	Judges	Executive	Coroners	Other Depts.	Totals
Assaults	52	29	4	5	—	11-	—	—	101
Burglary	69	9	—	3	—	1	—	—	82
Forgery	106	101	—	20	2	12	—	3	244
Homicide	88	32	4	14	—	—	6	—	144
Larceny	97	54	13	2	—	55	—	4	225
Robbery	503	261	—	—	—	56	—	3	823
Sex Offense	40	7	—	9	—	1	—	1	58
Technical	359	532	67	6	2	149	48	251	1,414
All Other	—	—	—	—	—	—	—	—	—
Offenses	159	139	9	36	18	298	—	24	683
TOTALS	1,473	1,164	97	95	22	583	54	286	3,774

The following shows sources of requests and types of work performed by the Crime Laboratory for the Fiscal Year 1966-1967:

Technical Examinations	Sheriffs' Depts.	Police Depts.	Highway Patrol	Solicitors	Judges	Executive	Coroners	Other Depts.	Totals
Ballistics	368	187	—	—	—	—	—	66	621
Chemical	10,081	9,766	1,343	21	—	2,049	689	3,312	27,261
Documents	2,053	1,245	—	—	—	1,512	—	221	5,031
Fingerprints	8,836	7,102	228	5	—	60	—	2,084	18,315
Photographs	9,973	5,715	48	1,430	—	—	—	2,100	19,266
Polygraph	99	144	—	—	—	—	—	32	275
Toolmarks	2	21	—	—	—	—	—	80	103
TOTALS	31,412	24,180	1,619	1,456	—	3,621	689	7,895	70,872

The following shows source of requests and types of work for the Fiscal Year 1967-1968:

Offenses	Sheriffs' Depts.	Police Depts.	Highway Patrol	Solicitors	Judges	Executive	Coroners	Other Depts.	Totals
Assaults	44	22	11	5	—	3	—	2	87
Burglary	52	45	1	—	1	—	—	—	99
Forgery	90	113	—	9	—	17	—	2	231
Homicide	95	43	6	9	—	5	2	1	161
Larceny	55	39	13	3	—	14	—	—	124
Robbery	532	293	3	2	—	23	—	3	856
Sex Offense	29	12	1	4	—	2	—	—	48
Technical	350	548	95	6	2	158	50	236	1,445
All Other	—	—	—	—	—	—	—	—	—
Offenses	192	170	39	15	5	338	—	13	772
TOTALS	1,439	1,285	169	53	8	560	52	257	3,823

The following shows sources of requests and types of work performed by the Crime Laboratory for the Fiscal Year 1967-1968:

Technical Examinations	Sheriffs' Depts.	Police Depts.	Highway Patrol	Solicitors	Judges	Executive	Coroners	Other Depts.	Totals
Ballistics	506	317	6	—	—	54	—	—	883
Chemical	10,027	12,166	1,442	10	—	804	495	5,576	30,520
Documents	998	1,519	—	—	—	1,307	—	211	4,035
Fingerprints	13,957	10,837	154	—	—	3,242	—	781	28,971
Photographs	2,662	1,725	—	1,203	—	437	—	8,030	14,057
Polygraph	221	110	15	9	—	27	—	16	398
Toolmarks	41	60	—	—	—	35	—	—	136
TOTALS	28,412	26,734	1,617	1,222	0	5,906	495	14,614	79,000

SUPERIOR COURT—YEAR 1966—STATE WIDE CRIMINAL CONVICTIONS BY MAJOR CLASSIFICATION

Offense	Sex	White				Colored				*Unclassified			
		Conv	Acqt	Nol Pros	Other	Conv	Acqt	Nol Pros	Other	Conv	Acqt	Nol Pros	Other
Assaults—2,568													
1. Aggravated—1,418	M	248	51	131	16	449	93	197	13	47	2	46	1
	F	14	5	10	1	57	15	21	0	0	0	1	0
2. Non-Aggravated—1,150	M	292	61	222	22	263	57	114	11	22	5	24	0
	F	7	2	13	5	14	5	11	0	0	0	0	0
Burglary—2,273													
1. 1st Degree—10	M	2	1	1	0	4	1	1	0	0	0	0	0
	F	0	0	0	0	0	0	0	0	0	0	0	0
2. Other—2,263	M	948	33	204	5	658	31	142	1	136	8	45	0
	F	12	9	15	0	11	1	2	1	1	0	0	0
Forgery—956													
	M	362	7	76	0	218	11	41	0	63	1	20	0
	F	67	3	24	1	9	60	1	0	0	0	1	0
Fraud-Embezzlement—1,180													
1. Fraud-Embz.—326	M	137	13	71	6	15	5	22	0	3	0	14	2
	F	26	0	4	1	5	0	2	0	0	0	0	0
2. Worthless Cks.—854	M	376	16	62	7	117	2	37	4	54	1	25	2
	F	105	1	19	1	21	1	2	1	0	0	0	0
Homicide—428													
1. Homicide—88	M	19	2	4	0	30	13	8	0	2	1	2	0
	F	0	0	0	0	4	1	1	0	1	0	0	0
2. Manslaughter—340	M	72	22	28	0	107	24	22	1	3	2	17	0
	F	5	1	2	0	18	5	10	0	1	0	0	0
Larceny—1,995													
1. Auto—502	M	224	6	68	3	121	12	31	0	16	3	10	0
	F	5	0	0	0	1	1	0	0	0	0	1	0
2. Other—1,493	M	511	62	166	5	410	37	96	12	55	0	49	0
	F	22	6	12	0	37	1	9	2	1	0	0	0
Robbery—278													
	M	54	7	26	0	103	33	26	0	1	3	18	0
	F	1	0	0	0	0	0	6	0	0	0	0	0
Sex Offense—348													
1. Rape—76	M	16	8	10	0	6	14	19	1	0	0	0	0
	F	1	0	1	0	0	0	0	0	0	0	0	0
2. Other—272	M	72	21	37	2	52	17	38	1	3	2	4	0
	F	4	0	9	1	4	0	3	1	1	0	0	0
Food and Drug—48													
1. Narcotics—48	M	23	3	10	1	2	0	0	0	1	0	0	0
2. Other—None	F	5	0	3	0	0	0	0	0	0	0	0	0
Motor Vehicles—6,227													
1. Drunken Driving—1,904	M	853	158	274	68	244	37	55	21	66	5	43	4
	F	38	7	20	4	2	2	1	1	1	0	0	0
2. Other—4,323	M	2071	110	688	123	644	36	217	32	133	6	83	4
	F	89	4	54	11	9	0	6	0	2	0	1	0
Domestic—823													
	M	250	43	131	22	199	43	57	24	13	3	17	3
	F	3	1	3	1	6	2	1	1	0	0	0	0
Gambling—26													
	M	4	1	8	7	3	0	0	0	0	1	1	1
	F	0	0	0	0	0	0	0	0	0	0	0	0
Prohibition—624													
	M	157	11	60	9	163	13	42	3	32	1	11	2
	F	21	3	10	1	53	5	25	1	0	0	1	0
Disorderly Conduct—1,513													
	M	572	51	291	39	225	5	99	22	60	3	44	2
	F	21	4	25	2	33	1	13	1	0	0	0	0
Other Offenses—2,142													
	M	838	63	317	32	455	35	113	15	64	14	61	1
	F	31	7	37	4	26	8	20	0	0	0	1	0
Total—21,436		8,578	802	3,146	399	4,798	627	1,511	170	782	61	540	22

*Courts sent in no race classification

INFERIOR COURT—YEAR 1966—STATE WIDE CRIMINAL CONVICTIONS BY MAJOR CRIME CLASSIFICATION

Offense	Sex	White				Colored				*Unclassified			
		Conv	Acqt	Nol Pros	Other	Conv	Acqt	Nol Pros	Other	Conv	Acqt	Nol Pros	Other
Assaults—22,223													
1. Aggravated—7,643	M	947	499	465	197	2163	817	616	344	248	111	123	22
	F	75	92	60	12	435	240	124	46	2	5	0	0
2. Non-Aggravated—14,580	M	3629	1084	1328	271	3734	1023	1014	201	563	174	258	10
	F	319	152	140	14	409	142	80	23	1	3	8	0
Burglary—2,295													
1. 1st Degree—13	M	1	0	0	3	0	1	0	3	1	1	0	1
	F	1	0	0	1	0	0	0	0	0	0	0	0
2. Other—2,282	M	403	77	147	512	263	62	126	416	83	14	48	60
	F	11	10	11	13	12	2	3	8	0	0	0	1
Forgery—473	M	32	9	39	141	26	3	19	115	7	1	12	10
	F	5	0	5	22	3	2	5	14	0	0	0	3
Fraud-Embezzlement—8,489													
1. Fraud-Embz.—874	M	173	39	105	100	162	25	46	37	17	4	28	9
	F	28	7	19	17	27	5	14	12	0	0	0	0
2. Worthless Cks.—7,615	M	3256	138	543	153	1053	44	146	38	767	27	194	22
	F	758	39	130	44	190	9	25	2	29	0	8	0
Homicide—271													
1. Homicide—77	M	4	2	0	13	3	4	0	38	0	1	0	1
	F	0	1	1	2	0	2	0	5	0	0	0	0
2. Manslaughter—194	M	1	31	13	54	4	9	6	47	0	3	2	3
	F	0	3	0	4	0	4	0	9	0	0	0	1
Larceny—7,718													
1. Auto—954	M	196	64	94	136	136	63	57	112	21	2	17	10
	F	13	5	6	4	7	4	5	2	0	0	0	0
2. Other—6,764	M	1742	324	380	384	1654	313	285	282	325	53	94	20
	F	266	51	48	20	353	80	51	31	5	1	1	1
Robbery—235	M	3	6	14	38	10	15	30	89	3	3	2	8
	F	0	0	4	3	1	1	1	4	0	0	0	0
Sex Offense—1,119													
1. Rape—133	M	3	3	10	39	3	10	12	36	1	1	3	11
	F	0	0	0	0	0	0	0	0	0	1	0	0
2. Commercial—126	M	20	3	11	1	10	5	3	3	3	0	0	0
	F	27	6	4	0	20	1	4	4	0	1	0	0
3. Other—860	M	214	49	81	48	152	32	43	35	31	5	23	3
	F	32	13	30	8	33	8	19	0	1	0	0	0
Food and Drug—61													
1. Narcotics—61	M	23	8	3	7	3	0	0	11	2	0	0	0
	F	1	1	1	0	0	1	0	0	0	0	0	0
2. Other—0	M	0	0	0	0	0	0	0	0	0	0	0	0
	F	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicles—254,932													
1. Drunken Driving—10,605	M	5202	593	582	604	2014	153	137	189	486	27	77	50
	F	284	36	44	34	76	3	7	3	4	0	0	0
2. Other—244,327	M	135082	4501	7486	886	38848	1423	2809	388	21074	253	1115	47
	F	22212	901	1250	59	5203	191	264	29	274	15	15	2
Domestic—5,617	M	1466	279	624	102	1461	316	395	58	350	78	197	4
	F	59	25	58	2	66	23	43	5	1	2	3	0
Gambling—598	M	193	18	18	4	237	20	19	3	29	9	4	0
	F	4	2	0	0	29	3	5	0	1	0	0	0
Prohibition—6,474	M	2583	140	220	71	1654	158	128	94	500	32	36	10
	F	132	13	28	8	512	58	61	21	15	0	0	0
Disorderly Conduct—55,109													
1. Public Drunk—46,381	M	23279	317	960	601	13383	235	418	203	3695	20	109	18
	F	1470	40	106	31	1304	27	56	34	71	0	4	0
2. Other—8,728	M	3003	454	432	82	2206	268	280	40	479	40	72	3
	F	417	86	86	9	588	71	75	20	11	0	6	0
Other Offenses—17,286	M	6442	908	1163	379	3905	552	597	247	920	120	214	20
	F	609	189	158	25	535	141	104	43	11	1	3	0
Total—382,900		214620	11218	16907	5158	82887	6569	8132	3344	30031	1008	2676	350

*Courts sent in no race classification

INFERIOR COURT—YEAR 1967—STATE WIDE CRIMINAL
CONVICTIONS BY MAJOR CRIME CLASSIFICATION

Offense	Sex	White			Colored			Indian			*Race Unclassified			**Race-Sex Unclassified		
		Nol			Nol			Nol			Nol			Nol		
		Conv	Acqt	Pros	Conv	Acqt	Pros	Conv	Acqt	Pros	Conv	Acqt	Pros	Conv	Acqt	Pros
Assaults—21,809	M	938	449	539	139	2064	732	656	229	47	17	40	2	70	28	30
1. Aggravated—7,388	M	95	78	69	8	400	220	106	40	3	1	3	2	5	4	4
	M	3513	1002	1474	166	3745	940	982	147	102	28	63	0	163	39	79
2. Non-Aggravated—14,421	F	320	125	130	8	342	180	85	13	5	2	4	0	5	1	5
Burglary—2,152	M	0	1	1	6	3	0	0	5	0	0	0	0	0	0	0
1. 1st Degree—20	M	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
	M	454	93	161	390	297	72	104	355	6	2	4	5	16	1	8
2. Other—2,132	F	14	6	14	5	8	3	7	8	0	1	0	0	0	0	0
Forgery—574	M	53	10	31	161	19	10	30	139	0	0	0	0	1	1	1
	F	10	2	16	30	1	2	3	28	0	0	0	0	2	0	0
Fraud-Embezzlement—10,906	M	211	42	165	48	213	33	61	49	6	1	0	0	26	4	9
1. Fraud-Embz.—1,058	F	36	10	18	5	25	5	13	6	0	1	0	0	0	0	0
	M	3757	169	587	120	1052	51	138	50	203	22	18	2	579	29	106
2. Worthless Cks.—9,848	F	1061	32	143	30	292	8	46	10	43	3	5	0	98	3	7
Homicide—290	M	4	5	1	19	3	6	3	38	0	0	0	1	0	0	0
1. Homicide—99	F	2	1	0	1	1	2	0	9	0	0	0	0	0	0	0
	M	7	28	9	45	6	11	5	40	1	0	1	1	0	1	1
2. Manslaughter—191	F	0	9	1	4	0	4	0	6	0	0	0	0	0	2	3
Larceny—7,690	M	224	49	109	105	126	39	52	80	1	3	5	2	8	0	3
1. Auto—867	F	3	6	11	1	4	2	3	3	0	0	0	0	0	0	0
	M	2026	327	426	236	1572	310	300	213	37	6	9	2	83	14	23
2. Other—6,823	F	313	39	62	5	372	70	55	13	10	0	0	0	8	0	2
Robbery—284	M	10	14	22	54	25	23	22	85	0	2	1	2	4	0	0
	F	0	2	1	0	0	1	0	2	0	0	0	0	0	0	0
Sex Offense—1,148	M	6	12	9	22	7	10	6	36	0	0	0	1	0	0	0
1. Rape—112	F	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	M	31	10	6	2	24	3	5	2	0	0	0	0	4	0	1
2. Commercial—182	F	33	9	14	3	30	2	0	0	0	0	0	0	0	0	0
	M	202	38	90	58	142	36	32	37	4	5	1	0	7	3	9
3. Other—854	F	51	16	37	6	31	7	14	2	1	0	0	0	0	0	0

DOMESTIC RELATIONS COURT—YEAR 1966—STATE WIDE CRIMINAL CONVICTIONS BY MAJOR CRIME CLASSIFICATION

Offense	Sex	White				Colored				*Unclassified			
		Conv	Acquit	Nol Pros	Other	Conv	Acquit	Nol Pros	Other	Conv	Acquit	Nol Pros	Other
Assaults—3,312													
1. Aggravated—203	M	32	12	11	8	43	9	12	11	4	0	0	2
	F	10	9	11	0	13	9	2	5	0	0	0	0
2. Non-Aggravated—3,109	M	899	336	493	29	749	207	155	19	56	2	4	1
	F	36	23	12	1	44	24	19	0	0	0	0	0
Burglary—4													
1. 1st Degree—None	M	0	0	0	4	0	0	0	0	0	0	0	0
2. Other—4	F	0	0	0	0	0	0	0	0	0	0	0	0
Larceny—3													
1. Auto—2	M	0	0	0	2	0	0	0	0	0	0	0	0
	F	0	0	0	0	0	0	0	0	0	0	0	0
2. Other—1	M	0	0	0	1	0	0	0	0	0	0	0	0
	F	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense—27													
1. Rape—13	M	0	0	0	0	1	0	0	7	0	0	0	4
	F	0	0	0	1	0	0	0	0	0	0	0	0
2. Other—14	M	4	0	1	5	2	0	1	0	0	0	0	0
	F	0	0	0	0	0	0	1	0	0	0	0	0
Domestic—4,108													
	M	1458	416	325	25	1256	245	128	19	0	0	0	0
	F	68	22	19	1	105	13	7	1	0	0	0	0
Disorderly Conduct—58													
	M	20	1	8	0	13	4	0	0	1	0	0	0
	F	1	0	1	0	6	3	0	0	0	0	0	0
Other Offenses—404													
	M	111	25	21	4	44	15	7	5	14	0	1	0
	F	60	18	13	2	55	7	2	0	0	0	0	0
Total—7,916		2,699	862	915	83	2,331	536	334	67	75	2	5	7

*Courts sent in no race classification

**DOMESTIC RELATIONS COURT—YEAR 1967—STATE WIDE
CRIMINAL CONVICTIONS BY MAJOR CRIME CLASSIFICATION**

Offense	Sex	White						Colored						Indian						*Race Unclassified						**Race-Sex Unclassified					
		Conv			Nol			Conv			Nol			Conv			Nol			Conv			Nol			Conv			Nol		
		Acqt	Pros	Other	Acqt	Pros	Other	Acqt	Pros	Other	Acqt	Pros	Other	Acqt	Pros	Other	Acqt	Pros	Other	Acqt	Pros	Other	Acqt	Pros	Other	Acqt	Pros	Other	Acqt	Pros	Other
Assaults—3,339	M	27	7	9	6	66	14	9	9	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13	8	2	1		
1. Aggravated—197	F	2	5	2	1	13	3	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2. Non-Aggravated—3,142	F	882	282	508	17	792	153	214	153	14	9	1	1	1	1	0	0	0	0	0	5	7	4	1	0	50	26	19	2		
Burglary—2	F	34	23	25	1	21	27	21	21	2	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
1. 1st Degree—None	M																														
2. Other—2	F	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Forgery—11	M	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny—6	F	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1. Auto—1	M	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2. Other—5	F	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery—1	M	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense—30	F	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1. Rape—8	M	0	0	0	1	0	0	3	4	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2. Other—22	F	8	2	0	4	0	1	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Domestic—4,122	M	1319	403	330	30	1400	249	145	10	8	2	2	2	0	3	2	0	0	0	0	45	11	9	1							
Disorderly Conduct—78	F	38	22	17	0	57	12	6	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1. Public Drunk—26	M	17	1	1	0	4	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2. Other—52	F	15	4	9	0	9	4	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Offenses—390	M	112	27	19	1	42	16	6	0	1	0	0	0	0	0	0	1	0	0	0	22	4	2	1							
	F	52	16	17	1	38	7	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals—7,979		2555	794	938	62	2446	490	413	46	18	3	3	3	0	9	10	4	1	130	50	32	5									

*Courts sent in sex only—no race classification

**Courts sent in no race or sex classification

MAYOR'S COURT—YEAR 1966—STATE WIDE CRIMINAL CONVICTIONS BY MAJOR CRIME CLASSIFICATION

Offense	Sex	White				Colored				*Unclassified			
		Conv	Acqt	Nol Pros	Other	Conv	Acqt	Nol Pros	Other	Conv	Acqt	Nol Pros	Other
Assaults—205													
	M	5	2	4	2	6	1	1	18	0	0	0	0
1. Aggravated—46	F	0	0	0	2	0	0	0	5	0	0	0	0
	M	54	9	12	18	19	8	5	13	4	0	0	1
2. Non-Aggravated—159	F	2	2	3	0	3	5	0	1	0	0	0	0
Burglary—33													
1. 1st Degree—None													
	M	10	1	3	11	1	0	1	2	0	0	1	1
2. Other—33	F	0	1	0	1	0	0	0	0	0	0	0	0
	M	0	0	0	1	0	0	0	3	0	0	0	0
Forgery—4	F	0	0	0	0	0	0	0	0	0	0	0	0
Fraud-Embezzlement—52													
	M	2	1	3	0	0	0	0	1	0	0	0	0
1. Fraud-Embz.—8	F	1	0	0	0	0	0	0	0	0	0	0	0
	M	14	3	0	2	12	0	2	0	0	0	0	0
2. Worthless Cks.—44	F	6	0	2	0	3	0	0	0	0	0	0	0
	M	0	0	0	1	0	0	0	3	0	0	0	0
Homicide—4	F	0	0	0	0	0	0	0	0	0	0	0	0
Larceny—94													
	M	5	0	0	0	0	0	1	4	1	0	0	0
1. Auto—11	F	0	0	0	0	0	0	0	0	0	0	0	0
	M	35	2	4	7	16	1	0	6	8	0	0	2
2. Other—83	F	1	0	0	0	0	0	0	1	0	0	0	0
Sex Offense—12													
1. Rape—None													
	M	3	1	0	1	4	0	0	0	0	0	0	0
2. Other—12	F	0	1	0	1	1	0	0	0	0	0	0	0
Food and Drug—2													
	M	2	0	0	0	0	0	0	0	0	0	0	0
1. Narcotics—2	F	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle—3,736													
	M	63	6	1	27	15	1	1	11	0	0	0	0
1. Drunken Driving—130	F	2	0	0	1	0	0	0	2	0	0	0	0
	M	2096	65	100	86	593	33	33	52	144	1	4	1
2. Other—3,606	F	270	11	14	14	72	5	6	6	0	0	0	0
	M	6	0	2	0	2	0	0	0	0	0	0	0
Domestic—10	F	0	0	0	0	0	0	0	0	0	0	0	0
	M	11	0	1	0	3	1	0	0	0	0	0	0
Gambling—16	F	0	0	0	0	0	0	0	0	0	0	0	0
	M	61	2	3	5	8	0	0	0	1	0	0	0
Prohibition—85	F	2	0	0	0	3	0	0	0	0	0	0	0
	M	2734	18	50	3	872	10	18	5	192	2	0	0
Disorderly Conduct—4,190	F	166	4	5	1	104	1	1	0	4	0	0	0
	M	221	9	12	10	92	2	7	12	15	0	0	0
Other Offenses—436	F	36	3	1	1	13	0	0	0	2	0	0	0
Total—8,879		5,808	141	220	195	1,842	68	76	145	371	3	5	5

*Courts sent in no race classification

**MAYOR'S COURT—YEAR 1967—STATE WIDE CRIMINAL
CONVICTIONS BY MAJOR CLASSIFICATION—Continued**

Offense	Sex	White			Colored			Indian			*Race Unclassified			**Race-Sex Unclassified		
		Conv	Acqt	Pros	Other	Conv	Acqt	Pros	Other	Conv	Acqt	Pros	Other	Conv	Acqt	Pros
Food and Drug—3																
1. Narcotics—3	M	0	0	2	0	0	0	0	0	0	0	0	0	0	0	1
	F	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2. Other—None	M															
	F															
Motor Vehicles—4,235																
1. Drunken Driving—132	M	62	5	6	27	11	0	1	16	1	0	0	0	0	0	0
	F	1	1	0	0	0	0	0	0	0	0	0	0	1	0	0
2. Other—4,103	M	2207	75	161	126	873	23	36	63	2	0	0	2	0	0	4
	F	302	12	39	12	118	2	5	7	0	0	0	2	1	29	0
Domestic—14	M	7	3	1	0	0	0	0	1	0	0	0	0	0	0	0
	F	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0
Gambling—12	M	0	0	0	8	2	2	0	0	0	0	0	0	0	0	0
	F	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Prohibition—90	M	40	0	7	7	4	0	0	17	0	0	0	0	7	0	0
	F	0	0	0	0	2	0	0	6	0	0	0	0	0	0	0
Disorderly Conduct—3,422	M	1608	5	30	4	941	2	16	8	1	0	0	3	0	217	0
	F	64	0	2	0	76	0	2	1	0	0	0	1	0	0	5
1. Public Drunk—2,986	M	170	10	11	3	158	1	5	5	0	0	0	0	0	17	0
	F	17	4	1	1	28	0	1	4	0	0	0	0	0	0	0
2. Other—436	M	258	20	33	32	82	4	4	19	0	0	0	0	1	0	6
	F	25	4	2	1	8	0	0	1	0	0	0	0	15	1	0
Other Offenses—516																
Total—8,742		4867	161	306	268	2378	44	77	264	4	0	0	9	1	1	27

*Courts sent in sex only—no race classification

**Courts sent in no race or sex classification

DIGEST OF OPINIONS

BUSINESS AND COMMERCE

7 December 1967

BUSINESS AND COMMERCE; CREDIT UNIONS; AUTHORITY TO INVEST

A credit union is authorized under Chapter 1091 of the Session Laws of 1967 to invest in the capital notes or debentures of a mutual deposit guaranty association.

4 March 1967

BUSINESS AND COMMERCE; CREDIT UNIONS; AUTHORITY TO PURCHASE LIFE INSURANCE; GENERAL POWERS

Under the State law governing credit unions, a credit union is authorized to incorporate in its bylaws a provision whereby the credit union may obtain blanket life insurance on its members and also a provision that a credit union may receive savings on deposit from members and nonmembers and may sell traveler's checks, checkbooks and issue the check of the credit union to a member.

26 September 1966

BUSINESS & COMMERCE; FOREIGN NONPROFIT CORPORATION ACT

A foreign, nonprofit corporation, who sends speakers into this State and who has a representative who issues checks with the name of the corporation printed on the checks, is engaged in sufficient activity to warrant the Secretary of State to make inquiry as to whether the corporation is conducting affairs in this State or not.

10 June 1968

BUSINESS & COMMERCE; PAWNBROKERS; RECORDS

All pawnbrokers must furnish duplicates of pawn tickets to both the municipal chief of police and the county sheriff.

COUNTIES

14 September 1967

COUNTIES; AIRPORTS; USE OF FUNDS

A county may expend nontax funds for airport purposes without a vote of the people.

13 September 1967

COUNTIES; BOARDS OF EDUCATION; AUTHORITY TO COMPROMISE LITIGATION

A board of education of a county has the right to compromise and settle a lawsuit brought against it when it proceeds in good faith and for the protection of the school board, and the board of county commissioners is under legal obligation to furnish the board of education a sufficient sum of money to pay off and discharge the compromise and settlement.

29 January 1968

COUNTIES; COUNTY COMMISSIONERS; VACANCY

In the absence of a local law providing otherwise, a person appointed to fill a vacancy in the office of a member of the board of county commissioners is appointed to fill the entire unexpired term.

12 July 1966

COUNTIES; COUNTY HOSPITALS; OPERATION OF AMBULANCE SERVICE

A county hospital or a nonprofit corporation operating a hospital leased from a county would have authority to provide ambulance service as an extension of its hospital service activities.

5 July 1966

COUNTIES; COURTHOUSES; AUTHORITY OF COUNTY COMMISSIONERS
OVER PUBLIC BUILDINGS

The board of county commissioners of a county has the care and custody of the courthouse building and the courtroom facilities, and it is within the judgment and discretion of the board of commissioners as to what organizations they will permit to use the courtroom.

12 December 1966

COUNTIES; EMPLOYEES; SOCIAL SECURITY STATUS; COUNTY FIRE
DEPARTMENTS AND FIRE MARSHALS

Employees of county fire departments and county rural fire protection districts are county employees for social security purposes.

6 July 1966

COUNTIES; FINANCE; REPAIR AND UPKEEP OF COUNTY BUILDING

The repair and upkeep of county buildings is a necessary expense, and the General Assembly has authorized a special levy for such purpose of 5¢ on the \$100.00 valuation of property, which levy may be made without a vote of the people and may be made in addition to the 20¢ constitutional limitation levy for general county purposes. G. S. 153-9(6) and G. S. 153-49.

21 August 1967

COUNTIES; RETIREMENT SYSTEMS; HOSPITALIZATION, HEALTH AND
ACCIDENT AND LIFE INSURANCE

A county may provide for its employees health and accident insurance under G. S. 58-254.4(c), hospitalization insurance under G. S. 57-1.2, and group life insurance under the provisions of G. S. 58-210(1)a and (6).

COURTS

21 September 1966

COURTS; ARREST FEES

Under GS 7A-304(1), the county receives the arrest fee unless the arrest was made by a municipal officer, in which instance the municipality receives the arrest fee.

21 September 1966

COURTS; ATTORNEYS AS MAGISTRATES

Subject to the Canons of Ethics of the Council of the North Carolina Bar Incorporated, and with the approval of the North Carolina Bar Incorporated, it is lawful for an attorney to continue his practice and also serve as a magistrate under the Judicial Department Act of 1965.

30 November 1966

COURTS; DISTRICT COURTS; JURISDICTION OF DISTRICT COURTS AND
SUPERIOR COURTS AS TO MISDEMEANORS

When a district court is established all misdemeanors pending in the Superior Court should be transferred to the district court except where the Superior Court has acquired jurisdiction on appeal or by some other derivative method.

2 May 1968

COURTS; JUVENILE COURTS; ASSISTANT CLERKS ACTING AS JUDGE

An assistant clerk of superior court appointed in accordance with G. S. 2-10 may lawfully act as judge of juvenile court.

27 December 1967

COURTS; POOLING OF JURORS

Jurors pooled under the provisions of G. S. 9-5 may serve on either criminal or civil, or both civil and criminal, juries during the week for which they are summoned.

28 June 1968

COURTS; RECORDER'S COURT JUDGE'S PROLONGED ILLNESS;
VICE RECORDER'S COMPENSATION

During the disability of a judge of a county recorder's court, the vice recorder is entitled to the same compensation as the recorder and his compensation must be deducted from the salary of the recorder under GS 7-199 and GS 7-223.

21 September 1966

COURTS; SERVICE OF PROCESS

Municipal officers have no authority to serve civil subpoenas and summonses. Their authority to serve warrants and subpoenas in criminal actions is limited to the area of the municipality.

The authority of sheriffs and their deputies to serve warrants and civil and criminal process has not been altered by the Judicial Department Act of 1965.

21 September 1966

COURTS; USE OF "FACILITIES FEES FUND"

The "facilities fee fund", as provided for in GS 7A-304(a) (2) and 7A-305(a) (1) may be used to provide a clerk of superior court or county law library with books and journals. There is no statutory authority for the State to provide such books and journals.

CRIMINAL LAW AND PROCEDURE

19 April 1968

CRIMINAL LAW & PROCEDURE; CONCEALED WEAPON

A weapon is concealed about the person when near or in close proximity and within convenient control and easy reach, so that such weapon can be promptly used if one is prompted to do so by any violent motive.

1 July 1966

CRIMINAL LAW & PROCEDURE; LOTTERY LAWS

An advertising or promotional scheme which offers prizes of varying amounts to participants in a contest, with the determination of the winners based upon a formula of chance, violates the lottery laws of this State where the right of the participant to a determination of the amount of his or her prize is directly related either to the number of store visits made or the amount of merchandise purchased.

17 April 1968

CRIMINAL LAW & PROCEDURE; RIOTS AND LOOTING; AUTHORITY TO USE FORCE TO PROTECT PROPERTY; ISSUING PERMITS FOR THE PURCHASE OF PISTOLS

The sheriff of a county is the proper officer to issue permits for the purchase and ownership of handguns or pistols and this authority has not been given to the chief of police of a city or town; an owner of property has a right to use sufficient force to protect his property from arson, burglary, or felonious larceny; such owner may not kill for a mere trespass but if in exercising the necessary force to protect his property he has a reasonable apprehension of death or great bodily harm at the hands of the aggressor, he may kill to protect his own life.

13 April 1968

CRIMINAL LAW & PROCEDURE; SEARCH WARRANTS TO OBTAIN EVIDENCE

A search warrant to obtain evidence under G. S. 15-25.2, which identifies in detail the location of the place to be searched and which gives the basis for reasonable grounds to believe that evidence can be found at such place and which describes in detail the articles which are the object of the search, and which search warrant is issued by a proper officer, is a valid search warrant; where the owner or the person in possession of the premises is absent the search warrant may be served during his absence for the owner or person in possession of the premises does not have to be present when a search is made; where a person rents a room in a larger building containing other rooms and the owner of the whole building is present, then service of the search warrant on the owner is sufficient.

EDUCATION

19 October 1967

EDUCATION; AUTHORITY OF STATE & COUNTY BOARDS TO ACCEPT GIFTS

Both the State Board of Education and the County Board of Education are authorized to accept and receive gifts, donations and funds from private trusts and foundations. These Boards of Education are further authorized to enter into contracts with such private trusts and foundations which contain reasonable conditions and requirements upon which the gifts and donations will be made.

21 February 1968

EDUCATION; BOARD OF EDUCATION; FILLING VACANCIES

Under G. S. 115-24, when there is a vacancy in the membership of a board of education the executive committee of the political party of the member causing the vacancy appoints a member to fill the first half or part of the unexpired term. If the vacancy occurs before a primary, then

nominations in the primary are in order to be sent to the General Assembly for appointment by that body to fill the vacancy on the last part of the term.

12 July 1967

EDUCATION; COLLEGES AND UNIVERSITIES; AUTHORITY OF MEMBER OF BOARD
OF TRUSTEES WHO IS AN ATTORNEY TO CHARGE FOR LEGAL SERVICES

An attorney who is a member of the board of trustees of a state supported college may not charge the college a fee for legal work nor may a member of his firm make such charges as this would be in violation of G. S. 14-234.

12 July 1967

EDUCATION; COLLEGES AND UNIVERSITIES; AUTHORITY OF TRUSTEES OF
ENDOWMENT FUND TO APPOINT BANK AS FISCAL AGENT

Under the provisions of G. S. 116-46(7) the board of trustees of a college endowment fund may enter into an agreement whereby a bank becomes the fiscal agent for investment purposes. The expenses of operating the trust fund or investment fund cannot be charged to the principal amount for the statute says that the principal sum must be kept intact.

12 July 1967

EDUCATION; COLLEGES AND UNIVERSITIES; PRIVILEGED RECORDS AND
INFORMATION; AUTHORITY TO FURNISH STUDENT'S GRADES

There is no statute or court decision which prohibits an educational institution from furnishing a student's grades to the student's former high school guidance counselor or to the junior college from which the student transferred.

4 May 1968

EDUCATION; COMMUNITY COLLEGES AND TECHNICAL INSTITUTES;
FINANCIAL SUPPORT BY A COUNTY; AUTHORITY OF BOARD
OF COMMISSIONERS

Boards of county commissioners may make contributions to technical institutes from tax funds on hand if such funds are not needed to meet the obligations of the regular county budget; the provision which provides that a tax levy may be approved by the voters is a permissive provision, and if approved permits a regular annual levy; the provision as to the voters approving a bond issue for a technical institute is also a permissive provision and is not mandatory.

21 June 1968

EDUCATION; COMMUNITY COLLEGES AND TECHNICAL INSTITUTES;
TAX LEVY

Where a technical institute is converted to a community college, a tax levy for the support of the community college must be approved by the voters before such special annual levy can be made.

6 May 1967

EDUCATION; PUBLIC SCHOOLS; ASSIGNMENT OF PUPILS

Public school pupils residing in one county cannot attend the public schools of another county unless the two boards of education enter into a written agreement fixing the terms and conditions of attendance and each board of education places such agreement on its official records; one county board of education has a right to restrain another county board of education from receiving its pupils without a written agreement.

20 September 1967

EDUCATION; PUBLIC SCHOOLS; AUTHORITY FOR STUDENT ENROLLED IN A
NONPUBLIC SCHOOL TO ENROLL IN A PUBLIC SCHOOL FOR ONE
OR MORE CLASSES

There is no authority to permit students from nonpublic schools to attend a particular class or classes in a public school. This is subject, however, to an interchange of school facilities, dual enrollment or other conditions required for federal grants under the Elementary and Secondary Education Act of 1965, as amended, and under the Economic Opportunity Act, as amended, or any other grant-in-aid statute.

3 June 1968

EDUCATION; PUBLIC SCHOOLS; AUTHORITY OF A PUBLIC SCHOOL
ADMINISTRATIVE UNIT TO GIVE COURSES TO PUPILS OF
PARAOCHIAL SCHOOLS

School administrative units in this State who receive federal funds under the Elementary and Secondary Education Act of 1965, as amended, may receive pupils from parochial schools for special courses of instruction and may permit these pupils to use the special materials and equipment of the public schools.

21 June 1968

EDUCATION; PUBLIC SCHOOLS; BOND ISSUES

Bonds issued by a county for school purposes must be voted upon by the residents of the county and the residents of the cities and towns within the county, and the proceeds from the bond issue must be allocated and used for all local school units in the county; if it is desired to issue bonds for the benefit of only one school unit and tax the property within that

school unit, then an enabling act must be secured from the General Assembly.

4 March 1968

EDUCATION; PUBLIC SCHOOLS; BUDGETS OF CITY ADMINISTRATIVE UNITS
TO BE APPROVED BY BOARD OF COUNTY COMMISSIONERS

City boards of education, regardless of who levies their taxes for supplementary purposes, are required to make up a budget with the approval of the county board of commissioners; the details of the budget are fixed by the forms provided by the State Board of Education and all school funds are audited, with a copy of the audit being sent to the county accountant.

13 March 1968

EDUCATION; PUBLIC SCHOOLS; CONDEMNATION OF PROPERTY FOR
SCHOOL SITE

A school administrative unit located within a county which has a population in excess of 150,000 persons may condemn as much as 40 acres for the school site; the population relates to the entire county and not to the population of the school administrative unit.

13 December 1967

EDUCATION; PUBLIC SCHOOLS; CONTRACTS FOR THE REPAIR AND
RENOVATION OF SCHOOL BUILDINGS; CONTINUING CONTRACT

A board of county commissioners may enter into a contract along with a county board of education for the repair of a schoolhouse where under such contract a certain amount is paid in the fiscal year in which the contract is made and along with an agreement that an additional amount will be appropriated and budgeted for this purpose in the next fiscal year.

12 June 1968

EDUCATION; PUBLIC SCHOOLS; FOOD SERVICES; COST OF OPERATION

Earnings derived from the operation of school food services can only be used as set forth in G. S. 115-51. Such funds cannot be used for the initial, original cost of kitchen equipment as such items should be paid for out of funds included in the regular school budget.

25 January 1968

EDUCATION; PUBLIC SCHOOLS; INSPECTION OF PUBLIC SCHOOL FACILITIES
BY THE COUNTY SANITARIAN

The State Board of Health has a right to cause water, sewage and rest-room facilities of a public school to be inspected and likewise it has the same authority with reference to lunchrooms and school cafeterias. The State Board of Health may inspect the water supply, as well as the sewage.

By agreement between the State Board of Health and the State Superintendent of Public Instruction the entire facilities are inspected since the Superintendent of Public Instruction reviews these reports for accreditation purposes.

27 February 1968

EDUCATION; PUBLIC SCHOOLS; KINDERGARTENS; TRANSPORTATION OF
KINDERGARTEN PUPILS ON PUBLIC SCHOOL BUSES

Kindergartens when properly established are part of the public school system of the State, and if there is sufficient space the kindergarten pupils may be transported on public school buses. At the present time there is no transportation appropriation to defray the cost of transporting kindergarten pupils, and any funds erroneously spent for this purpose should be refunded. The transportation appropriation at present is for regular public school pupils falling within the ages fixed by the Compulsory Attendance Law. Boards of education should secure liability insurance to protect kindergarten pupils from any injuries that they may sustain while being transported in public school buses.

17 October 1966

EDUCATION; PUBLIC SCHOOLS; LIABILITY FOR ASSESSMENTS

City boards of education are liable for street assessments since there is a distinction between taxes and assessments.

11 July 1967

EDUCATION; PUBLIC SCHOOLS; REAL PROPERTY; AUTHORITY OF BOARD
OF EDUCATION TO CONVEY EASEMENT

Boards of education are authorized by statute to grant or dedicate easements or rights-of-way over school property for public purposes.

28 November 1967

EDUCATION; PUBLIC SCHOOLS; REGULATIONS AS TO SMOKING

A board of education may in its discretion establish regulations which would prohibit smoking in school buildings and on school grounds by pupils of certain ages as determined by the board.

12 September 1967

EDUCATION; PUBLIC SCHOOLS; SCHOOL STORES; SALES AND
LICENSE TAXES

School stores are required to pay sales taxes, registration fee for sales tax, taxes on soft drinks or special taxes on soft drink machines or other vending machines. There is no tax required due to the fact that there is a school store in business or a so-called merchant's tax.

3 August 1967

EDUCATION; PUBLIC SCHOOLS; STATUS OF STUDENT TEACHERS;
COVERAGE UNDER WORKMEN'S COMPENSATION ACT

The public school law does not recognize student teachers and such persons are not covered under the Workmen's Compensation Act as other teachers nor can they assume the authority and duties of a regular teacher.

8 June 1968

EDUCATION; PUBLIC SCHOOLS; SUMMER SCHOOLS

Public schools in this State may be operated for four quarters in the year or on a twelve-month basis and State grants of funds for the nine-month school period may be used for such purposes as well as the authorized budgetary grants for summer schools; it is doubtful, however, if the compulsory attendance law would be applicable to any more than the required minimum of 180 days.

8 June 1968

EDUCATION; PUBLIC SCHOOLS; SUMMER SCHOOLS;
RESIDENCE REQUIREMENTS

Summer schools in the public school system are authorized by statute but the eligibility conditions to be met by pupils attending such summer schools are the same as those pertaining to the eligibility of pupils attending the regular term of the public schools; pupils of nonresident parents and pupils whose parents reside in other attendance areas of the public school system would not be eligible to attend a summer school operated in another administrative unit.

3 June 1968

EDUCATION; PUBLIC SCHOOLS; TEXTBOOKS

Any person, firm or corporation publishing, printing or selling textbooks for public school purposes must comply with the provisions of Articles 25 and 26 of Chapter 115 of the General Statutes and submit proper bids and enter into contracts with performance bonds before such textbooks may be purchased for public school purposes.

EMINENT DOMAIN

21 November 1967

EMINENT DOMAIN; PAYMENT OF INTEREST IN CONDEMNATION
PROCEEDINGS BY HOUSING AUTHORITY

In an eminent domain proceeding by a housing authority under the provisions of Chapter 40 of the General Statutes as modified by G. S.

164-65, interest is payable on the amount finally awarded which exceeds the amount of deposit and interest runs from the date of the filing of the petition until the final payment is paid; in addition, interest at the rate of 6% per annum is payable on the amount deposited from the date of the filing of the petition to the time of the deposit.

HEALTH

10 October 1967

HEALTH; PODIATRY; SCOPE OF PRACTICE OF PODIATRISTS

Podiatrists are authorized to use surgical treatment for ailments of the human foot except the correction of deformities requiring the use of a knife and except amputation of the foot or toes if such operation can be performed under local anesthetic. Where the surgical procedures authorized to be used by podiatrists are in conformity with the statute defining the practice of podiatry, then such services should be covered under any medical services plan authorized by North Carolina law.

HOSPITALS

30 May 1968

HOSPITALS; CHARGING INTEREST ON UNPAID ACCOUNTS

In general hospitals may charge interest on unpaid patient accounts upon proper resolution by the board of trustees.

11 March 1968

HOSPITALS; STATE MENTAL HOSPITALS; DISCHARGE OF CIVILLY COMMITTED PATIENTS

Patients under civil commitment to a hospital of the North Carolina Department of Mental Health for a 180-day observational period or a minimum necessary period may be discharged directly by the superintendent of such hospital pursuant to G. S. 122-66.1.

3 May 1968

HOSPITALS; STATE MENTAL HOSPITALS; DISCHARGE OF CIVILLY COMMITTED PATIENTS

A patient committed to a state hospital under G. S. 122-63 may be discharged by the Clerk of Superior Court from the county of the patient's residence prior to the expiration of 180 days from the date of commitment upon the recommendation of the superintendent of the state hospital.

LABOR

12 July 1967

LABOR; MAXIMUM HOURS FOR WOMEN IN MERCANTILE ESTABLISHMENTS

The repeal of the word "male" in the last proviso in the next to the last paragraph of G. S. 95-17 does not relieve employers as to the maximum hours of women as set forth in G. S. 95-26 and 95-27.

MARRIAGE

1 November 1967

MARRIAGE; CAPACITY TO MARRY; PREGNANT MINOR UNDER 16 YEARS OF AGE

When an unmarried female who is more than 12 years old, but less than 18 years old, is pregnant or has given birth to a child and such unmarried female and the putative father of the child, whether born or unborn, shall agree to marry, and the mother and father of such unmarried female refuse to give consent to the marriage of the female in accordance with G. S. 52-1 (b), and the child lives with a married sister, the director of public welfare may sign for the girl involved to secure a marriage license under the provisions of G. S. 51-2 (b).

7 February 1968

MARRIAGE; WITNESSES; MARRIAGE LICENSE

Since the 1967 amendment, the law now requires that two witnesses sign a marriage license as witnesses to a marriage ceremony.

MOTOR VEHICLES

27 December 1967

MOTOR VEHICLES; AMBULANCES; AUTHORITY OF COUNTY TO FURNISH SERVICE

The statutes authorizing counties to provide for ambulance service under certain circumstances is permissive and not mandatory.

18 December 1967

MOTOR VEHICLES; AMBULANCES; AUTHORITY OF COUNTY TO FURNISH SERVICE; PARTICIPATION OF MUNICIPALITIES

There is no statutory authority for a county to compel a municipality to participate in providing ambulance service.

10 October 1966

MOTOR VEHICLES; AMBULANCES; ELIGIBILITY FOR PERMANENT TAGS;
STATUS AS INCORPORATED RESCUE SQUAD

An emergency ambulance service which is incorporated and which has as its stated purpose the furnishing of emergency ambulance service and the rendering of first aid would qualify as a "rescue squad" within the purview of G. S. 20-84, despite the fact that the service does not include the words "rescue squad" in its legally incorporated name. Whether or not such corporation qualifies depends on its corporate purpose and not upon its name.

8 April 1968

MOTOR VEHICLES; AMBULANCES; REGULATIONS OF AIR
AMBULANCE SERVICE

Aircraft used in carrying on air ambulance service and not designed to be operated upon the streets or highways are not subject to regulations under Article 26 of Chapter 30, Regulation of Ambulance Service.

25 September 1967

MOTOR VEHICLES; APPLICABILITY OF TRAFFIC LAWS IN SERVICE
STATION LOTS, SHOPPING CENTERS, PARKING LOTS, ETC.

Municipal police have the authority to investigate traffic accidents occurring on public and private property within the municipality, G. S. 20-166.1; whether such officers may charge offenders with traffic violations occurring on such property depends upon the language of the statute creating the particular traffic violation involved.

25 October 1967

MOTOR VEHICLES; APPLICABILITY OF TRAFFIC LAWS TO GROUNDS,
PREMISES, PARKING LOTS OF PRIVATE BUSINESS ESTABLISHMENTS

G. S. 20-139 (Driving under the influence of intoxicating liquor or narcotic drugs), G. S. 20-140.1 (Careless and reckless driving) and G. S. 20-141(a) (Exceeding reasonable and prudent speed for existing conditions) apply to private property upon which parking spaces are furnished for use by the general public.

1 December 1966

MOTOR VEHICLES; DRIVER'S LICENSE; EFFECTIVE DATE OF
SUSPENSION OR REVOCATION

The effective date of suspension or revocation of a driver's license under G. S. 20-17 is from time of notice to Department of Motor Vehicles and not date of conviction.

15 January 1968

MOTOR VEHICLES; EQUIPMENT

It is unlawful for vehicles owned by private detective agencies to display red lights visible from the front of such vehicles while operated upon the highways.

15 May 1967

MOTOR VEHICLES; EQUIPMENT; USE OF REFLECTORS IN PLACE OF FLARES

A reflector type device, which reflects light emanating from another source, does not satisfy the requirement of G. S. 20-161 that the driver of a truck, trailer or semi-trailer disabled upon the highway shall display after sundown red flares or lanterns 200 feet in the front and rear of such vehicle, the word "flare" being interpreted as a device which is capable of producing or emitting fire or light.

2 May 1968

MOTOR VEHICLES; EQUIPMENT; VEHICLES OF CORONERS

Since coroners are not included within the designated lists of vehicles, officials and organizations authorized to use blue lights (G. S. 20-125(c)), red lights (G. S. 20-130.1), and sirens (G. S. 20-125 (a), (b)); such use is not permitted on their privately owned vehicles used occasionally in the performance of their official duties.

17 August 1967

MOTOR VEHICLES; INSPECTION CERTIFICATES

A vehicle possessed by dealer, manufacturer, or transporter within this State bearing dealer, demonstration, manufacturer or transporter plate must have affixed to the windshield thereof a valid certificate of inspection except that such vehicle may be moved from source of purchase to place of business or inspection station if such movement is within ten days of purchase, foreclosure or repossession.

18 June 1968

MOTOR VEHICLES; MUNICIPAL ORDINANCES; SPEED RESTRICTIONS

Municipalities may by ordinance unilaterally lower speed limits to not less than 25 miles per hour on non-State highway system streets; however, on State highway system streets, engineering studies and concurring State Highway Commission ordinance are required. Appropriate signs must be erected before enforcement.

MUNICIPAL CORPORATIONS

24 May 1967

MUNICIPAL CORPORATIONS; AIRPORTS

A municipal airport is not a necessary expense in the constitutional sense.

28 October 1967

MUNICIPAL CORPORATIONS; AUTHORITY TO PAY OVER A PORTION OF ABC PROFITS FOR SCHOOL PURPOSES

Where by local act 85% of the net profits of a municipal ABC store are paid to the municipality to be used for any proper governmental purpose the municipality has no authority in the absence of a statute to allocate portions of these funds to the public school authority to be used in purchasing band instruments and repairing school activity buses for certain schools.

28 October 1966

MUNICIPAL CORPORATIONS; CONTRACTS; PUBLIC BIDDING

G. S. 143-132, which requires readvertisement for competitive bids when less than three bids are received by a municipality, relates only to contracts for construction or repairs and has no applicability to the purchase of equipment such as a fire truck.

9 February 1968

MUNICIPAL CORPORATIONS; ELECTRICAL INSPECTORS; AREA ZONED BY CITY OUTSIDE CITY LIMITS

The general law permitting a city to adopt a zoning ordinance applicable to a one-mile area adjacent to the corporate limits does not confer any additional authority on the municipal electrical inspector, and the zoning law does not confer any authority to make electrical inspections in such zoned area.

3 October 1967

MUNICIPAL CORPORATIONS; EMINENT DOMAIN; CONDEMNATION OF RAILROAD PROPERTY

A municipality whose charter does not contain specific authority to condemn property already devoted to a public use may condemn a right of way for a sewer line across railroad right of way if such crossing is placed in such a manner and under such circumstances as will not deprive the railroad company of the reasonable use of its tracks and right of way for railroad purposes.

14 September 1967

MUNICIPAL CORPORATIONS; EXPENDING TOWN FUNDS FOR PAVING
OFF-STREET PARKING LOT

The expenditure of funds by a town to pave an off-street parking lot belonging to a non-profit hospital located therein would be improper.

25 June 1968

MUNICIPAL CORPORATIONS; LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT
SYSTEM; PARTICIPATION

Local housing authorities and local redevelopment commissions are specifically authorized by statute to cause their employees to participate in the Local Governmental Employees' Retirement System.

20 December 1967

MUNICIPAL CORPORATIONS; MUNICIPALLY-OWNED HOTEL

The expenditure of funds for the operation of a municipally-owned hotel is not for a public purpose in the constitutional sense.

2 February 1967

MUNICIPAL CORPORATIONS; POWELL BILL; EXPENDITURE OF
MUNICIPAL ALLOCATIONS

A municipality may use funds obtained under the Powell Bill to purchase a truck to be devoted to the purpose of keeping its streets free of debris.

30 June 1967

MUNICIPAL CORPORATIONS; POWELL BILL; EXPENDITURE OF
MUNICIPAL ALLOCATIONS

A municipality may use funds allocated under the Powell Bill to purchase machinery for mowing and clearing shoulders and edges of streets with the municipality.

14 July 1967

MUNICIPAL CORPORATIONS; POWELL BILL; EXPENDITURE OF
MUNICIPAL ALLOCATIONS

A municipality may expend Powell Bill funds for the erection of a wall between a municipal street and a railroad when the wall would serve as a curb, delineate the edge of the street, prevent automobiles from parking too close to the railroad tracks for safety and promote proper drainage of the municipal street.

19 March 1968

MUNICIPAL CORPORATIONS; POWELL BILL; EXPENDITURE OF
MUNICIPAL ALLOCATIONS

A municipality may not use funds allocated to it under the Powell Bill for the purpose of improving streets within the municipality which form a part of the State Highway System.

28 September 1966

MUNICIPAL CORPORATIONS; SEWER SYSTEMS; COMPULSORY USE

Under G. S. 160-240, the governing body of a municipality may require an owner of improved property located upon or near any municipal sewer system to connect with such system or water outlets on the premises.

10 April 1967

MUNICIPAL CORPORATIONS; STATE HIGHWAY COMMISSION; REGULATION
OF PARKING ON SYSTEM STREET WITHIN MUNICIPALITY

The State Highway Commission has the ultimate authority to regulate parking on a State Highway system street within a municipality.

3 October 1967

MUNICIPAL CORPORATIONS; STREETS AND HIGHWAYS; AUTHORITY OF
MUNICIPALITY TO CONDEMN RIGHT OF WAY

A municipality has authority to condemn right of way for a State Highway system street under the provisions of G. S. 136-66.3.

4 June 1968

MUNICIPAL CORPORATIONS; STREETS AND HIGHWAYS; EXPENDITURE OF
MUNICIPAL FUNDS FOR IMPROVEMENTS TO A STATE HIGHWAY SYSTEM

A municipality may not expend any of its municipal funds in the repair, improvement, maintenance, construction, location or relocation of State Highway system streets located within the municipal limits, absent express legislative authority allowing such expenditure.

13 April 1967

MUNICIPAL CORPORATIONS; STREETS AND HIGHWAYS; STATE
HIGHWAY BOND ACT OF 1965

A town board has no authority to control the expenditure of money appropriated under the State Highway Bond Act of 1965. The responsibility for obtaining rights of way and payment for same is governed by the provisions of G. S. 136-66.3 which provides that a mutual agreement shall be reached between a municipality and the Highway Commission.

The money appropriated under the Highway Bond Act of 1965 does not revert if not used within a specified time.

2 October 1967

MUNICIPAL CORPORATIONS; STREETS AND HIGHWAYS; STATE HIGHWAY
BOND ACT OF 1965

The funds derived from the State Highway Bond Act of 1965 are allocated to the State Highway Commission for expenditure upon State Highway system streets and roads and a municipality has no control over the expenditure of bond funds allocated to the Highway Commission for expenditure in that municipality on the urban system.

8 May 1968

MUNICIPAL CORPORATIONS; STREETS AND HIGHWAYS; STATE
HIGHWAY BOND ACT OF 1965

Funds appropriated to the State Highway Commission under Chapter 46 of the 1965 Session Laws for expenditure in municipalities on the urban system of State Highways may be expended only on streets and highways constituting a part of State Highway System. These funds may not be spent upon municipal streets.

19 August 1966

MUNICIPAL CORPORATIONS; SURPLUS REAL PROPERTY; CONVEYANCE BY
CITY TO STATE AT PRIVATE SALE

In the absence of special legislation a municipality may not convey surplus real property at private sale.

PUBLIC OFFICERS

27 May 1968

PUBLIC OFFICERS; CLERK OF SUPERIOR COURT; AUTHORITY TO
APPOINT A GUARDIAN

G. S. 35-3 does not give a Clerk of Superior Court authority to appoint a guardian for an alleged incompetent upon a certificate of incompetency furnished by the administrator or superintendent of a non-governmental hospital.

13 December 1967

PUBLIC OFFICERS; CLERK OF SUPERIOR COURT; AUTHORITY TO APPOINT
GUARDIAN; CERTIFICATES OF INCOMPETENCY

A patient released on probation from a hospital under the Department of Mental Health pursuant to G. S. 122-67, *et seq*, remains under the

authority of the releasing hospital and, therefore, a certificate of incompetency issued by the superintendent of said releasing hospital regarding the patient on probation is sufficient to authorize the clerk of superior court to appoint a guardian for such patient pursuant to G. S. 35-3.

8 August 1967

PUBLIC OFFICERS; CLERK OF SUPERIOR COURT; LIABILITY FOR FAILING
TO INVEST ESTIMATED COMPENSATION IN CONDEMNATION ACTION

The law does not require a Clerk of Court to deposit at interest sums deposited in a condemnation action under the provisions of Article 9 of Chapter 136, and a Clerk of Court receiving no interest on funds entrusted to his care is not, as a rule, liable for interest.

4 August 1967

PUBLIC OFFICERS; CORONERS; JURISDICTION

Cession of exclusive jurisdiction to the federal government over lands within the State ousts jurisdiction of a county coroner over such lands.

10 July 1967

PUBLIC OFFICERS; DISTRICT SOLICITOR; AUTHORITY OF BOARD OF COUNTY
COMMISSIONERS TO DEFRAY EXPENSES OF SOLICITOR

A district solicitor is a constitutional officer, a State employee paid by the State, and there is no legal authority for a board of county commissioners to appropriate funds to pay the expenses of a solicitor to attend a solicitors' school or to attend a solicitors' convention.

21 July 1967

PUBLIC OFFICERS; DOUBLE OFFICE HOLDING; RESIDENCE OF
MEMBERS OF SCHOOL COMMITTEE

A person who is a judge of elections in a precinct is a public officer and is not eligible to serve as a district school committeeman, which is another public office; a person who serves as a district school committeeman must reside in the district and otherwise be eligible as a public officer.

12 March 1968

PUBLIC OFFICERS; GOVERNOR; AUTHORITY UNDER MARTIAL LAW

The Governor of North Carolina has the power to declare martial law in effect in a county and to give military personnel the power of arrest. Trial of civilians must be in civilian courts. Constitutional standards of arrest, habeas corpus, and search and seizure may not be suspended.

13 January 1967

PUBLIC OFFICERS; NOTARIES PUBLIC; PERFORMING ACTS AS
NOTARY ON SUNDAYS AND HOLIDAYS

There are no statutory prohibitions to prevent notaries public from performing official acts on Sundays and holidays.

12 September 1967

PUBLIC OFFICERS; STATE EMPLOYEES; QUALIFICATIONS AND
DISQUALIFICATIONS AS TO ELIGIBILITY FOR PUBLIC OFFICE

State employees are eligible to be candidates for public office if they are registered voters and meet the requirements of the State Constitution; eligibility to hold public office and the disqualifications as to holding public office are fixed by the State Constitution and these matters cannot be changed or added to by statute. Chapter 821 of the Session Laws of 1967, does not prevent a State employee from becoming a candidate for public office, provided he campaigns on his own time and not while he is expected to perform services for the State.

RETIREMENT

13 September 1967

RETIREMENT: TEACHER'S AND STATE EMPLOYEES' RETIREMENT
SYSTEM; DEATH BENEFIT

The death benefit provided by the 1967 law with respect to members of the Teachers' and State Employees' Retirement System does not apply to any person who died before July 1, 1967.

5 October 1967

RETIREMENT; TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM;
DEATH BENEFIT

Inasmuch as the 1967 amendment to the Teachers' and State Employees' Retirement System law, providing for a death benefit, uses the words "compensation earned by the member during the calendar year," the death benefit should equal the member's total compensation irrespective of whether or not retirement deductions were made as to a portion thereof.

2 November 1967

RETIREMENT; TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM;
RETIRED MEMBERS; RE-EMPLOYMENT

Subsequent to the decision of the North Carolina Supreme Court in *Harrill vs. Retirement System*, 271 NC 357 (1967), the Retirement System may suspend benefits of those who are re-employed on a full-time, perma-

ment basis. Whether a retired person is re-employed on a full-time or part-time, permanent or temporary basis, will have to be determined on a case by case basis with certain criteria.

6 December 1966

RETIREMENT; TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM;
SUMMER SCHOOL TEACHING; PART-TIME ACTIVITIES

Teaching in a summer school session operated by a public school in this State is a temporary position as opposed to full-time employment and, therefore, under the provisions of the Teachers' and State Employee's Retirement Act no Retirement System contributions would be deducted with respect to the compensation therefor.

SANITARY DISTRICTS

8 February 1968

SANITARY DISTRICTS; DISTRICT LOCATED IN MORE THAN ONE COUNTY;
ANNEXATION OF TERRITORY

When a sanitary district lies in more than one county, approval of annexation of additional territory in merely one county must, nevertheless, be approved by the board of county commissioners of each county in which the district lies. This action of the boards is to be taken separately.

23 August 1966

SANITARY DISTRICTS; LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT
SYSTEM; ELIGIBILITY FOR MEMBERSHIP

A sanitary district is authorized by law to participate in the Local Governmental Employees' Retirement System.

21 December 1967

SANITARY DISTRICTS; POWERS; CONTRIBUTION TO EXTENDING
AIRPORT RUNWAY

There is no general statutory authority for a sanitary district to expend funds as a contribution to an airport development.

STATE AGENCIES

4 August 1967

STATE AGENCIES; COLLEGES AND UNIVERSITIES; ASSIGNMENT OF THE
STATE UNIVERSITY'S TUITION AGREEMENT TO A PRIVATE CORPORATION

The University of North Carolina is without authority to assign contracts with parents or students for payment of tuition to a private cor-

poration. The Constitution and statutes require that the Attorney General's Office act in collecting such accounts.

28 August 1967

STATE AGENCIES; NATIONAL GUARD; FURNISHING LEGAL COUNSEL

National Guardsmen working within the course and scope of their employment for the State, and not for the Federal Government, are covered by the provisions of Chapter 1092 of the 1967 Session Laws regarding the provision of counsel for defense of such State employees in any civil or criminal action arising out of their activities within their employment.

9 January 1968

STATE AGENCIES; PURCHASE AND CONTRACT; PUBLIC RECORDS

Specifications pertaining to contracts procured by the Division of Purchase and Contract are public records within the meaning of GS 132-1.

STATE BOARDS AND COMMISSIONS

6 December 1967

STATE BOARDS AND COMMISSIONS; CAPITAL BUILDING AUTHORITY;
POWER AND DUTIES

Although the Capital Building Authority is not required to undertake projects outside the scope of the Capital Planning Commission, it may make its services available to other State agencies upon request.

19 June 1967

STATE BOARDS AND COMMISSIONS; INDUSTRIAL COMMISSION; TORT
CLAIMS ACT; SETTLEMENT OF CLAIMS

Settlement of all tort claims against the State, whether handled by the Attorney General's Office or by the liability insurance carrier for the State, must be approved by the office of the Attorney General and the Industrial Commission.

12 September 1967

STATE BOARDS AND COMMISSIONS; REAL ESTATE LICENSING BOARD;
CEMETERY LOT SALESMEN

It is not necessary for salesmen who sell only cemetery lots in perpetual care cemeteries to secure a license as a real estate salesman.

STREETS AND HIGHWAYS

30 October 1967

STREETS AND HIGHWAYS; ABANDONMENT; CLOSING

Action by the State Highway Commission under the provisions of Article 3 of Chapter 136 does not amount to a closing of a road but merely an abandonment of the road by the Highway Commission and the removal of the same from the State Highway Commission system for maintenance.

Subject to an abandonment under Article 3 of Chapter 136 by the Highway Commission, the county or municipality may close the road under the provisions of G. S. 153-9(17), which closing under the provisions of the statute vests title in adjoining owners.

22 May 1967

STREETS AND HIGHWAYS; CLOSING

Under the provisions of G. S. 153-9(17), any individual owning property adjoining a street or road, any part of which is to be closed, should be notified by registered letter of the time and place of the meeting at which the closing of the street is to be acted upon, unless such individual has joined in the closing of said street.

22 July 1966

STREETS AND HIGHWAYS; MUNICIPAL CORPORATIONS; DEEDS AND CONVEYANCES

Where a municipality has, pursuant to resolution of its governing body, purchased land for highway use, the same may be conveyed for such use to the State Highway Commission without necessity of a public sale.

TAXATION

19 December 1967

TAXATION; AD VALOREM; CEMETERY LOTS HELD FOR SALE BY LIONS CLUB

Cemetery lots owned and held for sale by a Lions Club are not exempt from ad valorem taxation.

11 October 1966

TAXATION; AD VALOREM; COMMISSIONERS' POWER TO COMPROMISE

Boards of County Commissioners have the power to compromise taxes assessed against "discovered" property under the provisions of G. S. 105-331.

19 April 1968

TAXATION; AD VALOREM; COMMISSIONERS' POWER TO COMPROMISE

G. S. 105-403 prohibits county commissioners from releasing, discharging, remitting or commuting taxes assessed and levied within their jurisdiction except as authorized by law; commissioners may incur individual liability for releasing or commuting taxes.

16 May 1968

TAXATION; AD VALOREM; COMMISSIONERS' POWER TO COMPROMISE

County commissioners have no discretion under G. S. 105-331(d) to exempt any property from listing for taxation, but only the power to adjust claims where tax and penalties have been assessed.

15 February 1967

TAXATION; AD VALOREM; CONDEMNATION PROPERTY

Where property is to be condemned by a redevelopment commission under the power of eminent domain, for the purposes of determining whether or not such land is subject to local ad valorem taxes, the date of the declaration of taking is the controlling date. If the declaration of taking by the redevelopment commission occurs prior to January 1, the property will be exempt from taxation for the ensuing year. If the declaration of taking occurs after January 1, the property will be subject to taxation for the ensuing fiscal year.

19 October 1967

TAXATION; AD VALOREM; DISCOUNT

In order for a taxpayer to be entitled to discounts on ad valorem taxes, he must pay those taxes within the dates specified in G. S. 105-345. Failure to receive a tax bill within those periods does not extend the time for which the discount may be allowed.

10 August 1966

TAXATION; AD VALOREM; EXEMPTIONS; CHURCH-OWNED PROPERTY

The taxable status of church owned property is determined each year as of January 1 and only the church building used exclusively for religious services, additional adjacent land reasonably necessary for the convenient use of the building, and the residence of the minister are exempt.

30 January 1967

TAXATION; AD VALOREM; EXEMPTIONS; DWELLINGS CONSTRUCTED
BY SCHOOLS

Dwellings and land upon which they are situated constructed by students

in industrial education classes and held for sale are exempt from ad valorem taxation if the construction of the dwellings is incidental to and a part of the students' vocational training. The dwellings would be subject to taxation if the construction and sale is motivated by profit.

20 December 1967

TAXATION; AD VALOREM; EXEMPTIONS; NONPROFIT WATER COMPANY

Property of nonprofit water company organized under Chapter 55A of the General Statutes is not exempt from ad valorem taxation.

12 October 1967

TAXATION; AD VALOREM; EXEMPTIONS; PERSONAL PROPERTY REPOSSESSED
BY BANKS AND HELD FOR RESALE ON JANUARY 1

All personal property of banks is exempt from ad valorem tax.

17 October 1966

TAXATION; AD VALOREM; EXEMPTIONS; PRIVATE WATER MEMBERSHIP
CORPORATION

Real property of a private water membership corporation is subject to taxation.

26 October 1966

TAXATION; AD VALOREM; EXEMPTIONS; PROPERTY OF GIRL
SCOUTING ORGANIZATION

A tract of land owned by a girl scouting organization together with the buildings thereon and the personal property used in connection therewith which is used by the organization in connection with the girl scouting activities is exempt from taxation.

26 October 1966

TAXATION; AD VALOREM; EXEMPTIONS; PROPERTY OWNED BY
RELIGIOUS ORGANIZATION

A tract of land owned by a religious organization and used exclusively for outdoor activities in connection with camping and youth and adult programs sponsored by the organization and not used for commercial purposes is exempt from ad valorem taxation.

27 October 1967

TAXATION; AD VALOREM; EXEMPTIONS; TELEPHONE MEMBERSHIP
CORPORATIONS

Property of telephone membership corporations used for the purposes for which the corporation was formed is exempt from ad valorem taxation.

25 March 1968

TAXATION; AD VALOREM AND FRANCHISE TAXES; EXEMPTIONS;
TRANSIT AUTHORITY

An Authority organized as an arm of a municipality owning and operating a street transportation system is exempt from North Carolina franchise tax and ad valorem property taxes. Where a private company contracts with the Authority so organized to provide management services for the transportation system, the company is liable for franchise taxes levied under G. S. 105-122 and it is also liable for ad valorem property taxes.

6 March 1967

TAXATION; AD VALOREM; FACTORS IN VALUATION

For purposes of real estate valuation, assessment and taxation, "true value" means what the property will bring in money. Fair earning capacity is a proper factor in determining the true value of real property for ad valorem tax purposes.

7 March 1967

TAXATION; AD VALOREM; LIEN FOR TAXES

Building constructed on leased property by lessee constitutes an improvement and land is subject to lien for taxes on the building. The land is not subject to lien for taxes accruing on personal property located in the building and not properly classified as improvements.

18 April 1968

TAXATION; AD VALOREM; PERSONAL PROPERTY OF PRINTING COMPANY

A corporation organized to do printing for a nonprofit educational institution but which will do printing for the general public is not exempt from ad valorem taxes on its personal property under G. S. 105-297.

6 November 1967

TAXATION; AD VALOREM; PERSONAL PROPERTY SITUS; BUSES & CABS

Bus company using joint bus terminal but maintaining garages outside the city limits for storage and maintenances of buses is not subject to ad valorem taxation on its buses where said company has no principal office within the city and where buses come into the city only to pick up and discharge passengers.

An individual taxi cab operator who lives outside the city limits but operates a cab within the city is not liable for city ad valorem taxes on said cab which is kept outside the city limits when the owner is "off duty".

24 April 1968

TAXATION; AD VALOREM; PERSONAL PROPERTY; SITUS; CABS

Where a taxicab owner lives outside a municipality but maintains an office and place for storage of vehicles within the municipality from which cabs are dispatched, he is subject to municipal ad valorem taxation on said vehicles regardless of the fact that the drivers live outside the municipality and take the vehicles home at night for their own convenience.

3 June 1968

TAXATION; AD VALOREM; PERSONAL PROPERTY SITUS; LEASED PROPERTY

Vehicles under extended lease as opposed to short term lease have a tax situs in the county of the lessee if he stores them in his county when not in use.

22 September 1966

TAXATION; AD VALOREM; PERSONAL PROPERTY SITUS; TRUCKS

Ordinarily, automotive equipment is taxable in the township of the residence of the owner, but if the owner maintains a shop, store, office, warehouse, etc., in connection with which the automotive equipment is used, it is subject to taxation in the township in which such place is located.

1 June 1967

TAXATION; AD VALOREM; PROPERTY ACQUIRED FOR STREETS & HIGHWAYS

Taxes levied against property owned by the State Highway Commission are not a lien against said property and may not be collected from the Commission. Liens on property subsequently acquired by the Commission are unenforceable against the property or the State Highway Commission; however, said taxes may be collected from the person receiving the compensation from the Commission or the person owning the property at the time the tax became a lien.

15 August 1967

TAXATION; AD VALOREM; RATE OF INTEREST ON DELINQUENT TAXES

Delinquent ad valorem taxes on personal property bear interest at the rate of six per cent (6%) per annum regardless of the fact that such taxes have been declared insolvent under the provisions of G. S. 105-390.

27 April 1967

TAXATION; AD VALOREM; RAW MATERIAL TO BE MANUFACTURED
INTO CLOTHING

Material shipped to a manufacturer in North Carolina by a foreign corporation, which retains title, to be manufactured into wearing apparel,

if in this State on January 1 for such purpose, is subject to local ad valorem property tax. The property would not be exempt from tax by virtue of being involved in interstate commerce since transit has been interrupted for a purpose not incidental thereto. The company owning the material is required to list and pay tax on the value of the material on January 1.

26 July 1966

TAXATION; AD VALOREM; TAXATION BY COUNTY AND MUNICIPALITIES;
DOUBLE TAXATION

Ad valorem taxation of the same property by a county and a municipality therein in which the property is taxable does not constitute "double taxation" within the contemplation of law.

14 August 1967

TAXATION; AD VALOREM; TRANSFERRING OF REALTY TO TAX
EXEMPT ENTITY

Where property is transferred to a tax exempt entity after January 1, ad valorem taxes on the property for the full year are due regardless of the fact that the taxes were not actually assessed and due prior to the date of the transfer. Such taxes are owed by the person owning the land as of January 1.

27 September 1967

TAXATION; AD VALOREM; TRANSFERRING OF REALTY TO TAX
EXEMPT ENTITY

Ad valorem taxes attach as of January 1 and property transferred later in the year to a tax exempt organization is subject to tax for the full year, there being no provisions for proration of taxes in such cases.

20 November 1967

TAXATION; AD VALOREM; UNIFORM SCHEDULES; APPROVAL
BY COMMISSIONERS

Counties having completed or substantially completed revaluation of real property prior to January 1, 1968 (the effective date of the amendment of G. S. 105-295) need not secure the approval by the board of county commissioners of the standard uniform schedule of values.

6 December 1967

TAXATION; AD VALOREM; WATER MEMBERSHIP CORPORATION PROPERTY

Property of water membership corporation organized under Chapter 55A of the General Statutes is not exempt from ad valorem taxation.

3 January 1968

TAXATION; CORPORATE FRANCHISE TAX; GAIN ON INVOLUNTARY
CONVERSION

Gain from property sold under threat of condemnation is includable in franchise tax base even though proceeds of the sale are to be reinvested in like property.

29 May 1968

TAXATION; CORPORATION INCOME TAX; WASTE TREATMENT
FACILITIES; AMORTIZATION

Cost of installing sodium thiosulfate recovery equipment, for the primary purpose of reduction of water pollution, may be amortized pursuant to G. S. 105-130.10 upon proper certification by the Board of Water and Air Resources.

26 February 1968

TAXATION; EXCISE; SAVINGS AND LOAN ASSOCIATIONS; BAD
DEBT DEDUCTIONS

Savings and loan associations are entitled to the same bad debt deductions in computing their State excise tax liabilities as ordinary business corporations taxed under Article 4, Chapter 105 are entitled to in computing their net income.

14 March 1967

TAXATION; FRANCHISE TAXES; ALLOCATION TO COUNTIES;
USE OF MONEY

A county may expend franchise taxes collected by the State and paid to the county for any proper, authorized public purpose even though it may not be a necessary expense in the constitutional sense.

21 December 1967

TAXATION; FRANCHISE TAX; MUNICIPAL AND STATE

A city may not levy a franchise tax against a company engaged in the cablevision business and which is subject to the State franchise tax levied by G. S. 105-122 since companies paying a tax thereunder are exempt from local franchise taxes.

14 February 1968

TAXATION; GASOLINE TAX

Gasoline purchased by workshops for the blind and used in their vehicles

for highway purposes is not exempt from State gasoline tax, nor are the workshops entitled to a refund of said tax.

19 April 1968

TAXATION; GASOLINE TAX; APPLICATION FOR REFUND

The Commissioner of Revenue is without authority to refund gasoline tax paid on gasoline used for non-highway purposes unless returns are filed within the time prescribed by law, now April 15 of the year following the year in which the tax was paid.

2 November 1966

TAXATION; GROSS REVENUE TAX ON COMMON CARRIER

When a North Carolina common carrier, pursuant to an agreement with another carrier, hauls the empty trailer of another carrier to a shipper's yard and subsequently picks up the trailer after it has been loaded, and when the North Carolina carrier engages in picking up and delivering trailers at the behest of an original carrier, delivering such trailer to the original carrier's home terminal, these activities generate revenues which are subject to our Gross Revenue Act, G. S. 20-88.

Cartage service, pick-up and delivery and "spotting" of trailers and equipment for other carriers are all activities which generate revenues under our Gross Receipts Tax and a carrier engaged in such activities must include such revenue.

26 October 1967

TAXATION; INCOME TAX; CHARITABLE DEDUCTIONS

The charitable deduction allowed an individual under G. S. 105-147 (15) is limited to 15% of adjusted gross income as defined in G. S. 105-141.3. In arriving at the adjusted gross income for this purpose, all ordinary and necessary expenses paid or incurred during the income year for the production or collection of the income or for the management, conservation, or maintenance of property held for the production of income must be deducted from gross income.

25 January 1968

TAXATION; INCOME TAX; DEDUCTION OF INTEREST

A non-resident may deduct interest expense in computing his State income tax only if it is an expense incurred in earning income in this State.

21 June 1968

TAXATION; INCOME TAX; EXEMPTION; INTEREST UPON OBLIGATIONS OF
NONPROFIT CORPORATION

Income from obligations of nonprofit corporations is not exempt from taxation under G. S. 105-141 (b) unless the same is also "interest upon the

obligations of the United States or its possessions, or of the State of North Carolina, or of a political subdivision thereof, or of nonprofit educational institutions organized or chartered under the laws of the State of North Carolina."

26 October 1967

TAXATION; INCOME TAX; INSTALLMENT SALES; PAYMENTS IN
EXCESS OF 30%

Payments made in the year of the sale of real estate in the form of a down payment to the seller plus a payment on behalf of the seller of interest and taxes assumed by the purchaser, the total of which exceed 30%, result in a transaction not qualifying for treatment as an installment sale under G. S. 105-142 (g) (2). Refund by the seller of interest and taxes paid on his behalf which would bring the installment paid below 30% of the selling price does not alter this result.

13 February 1968

TAXATION; INCOME TAX AND INTANGIBLES TAX; MERGED CORPORATION

Where two corporations merge during year, the taxable percentage for intangible tax purposes must be determined by reference to the last annual return filed by the surviving corporation. Where both corporations paid dividends prior to merger, the taxable percentage of those dividends for income tax purposes must be determined from the last annual return filed by each corporation prior to payment of such dividends. The taxable percentage of dividends paid after the merger must be determined by reference to the appropriate returns filed by the surviving corporation.

27 December 1966

TAXATION; INHERITANCE TAX; EXEMPTION; RETIREMENT ALLOWANCE

A retirement allowance received by a surviving beneficiary of a member of the Teachers' and State Employees' Retirement System is exempt from State inheritance tax.

24 August 1967

TAXATION; INHERITANCE TAX; GIFTS TO AMERICAN LEGION

Gifts to the American Legion and local posts of the Legion do not qualify as gifts to a charitable nonprofit organization within the meaning of G. S. 105-3 for inheritance tax purposes.

24 January 1967

TAXATION; INHERITANCE TAX; PROPERTY HELD BY THE ENTIRETIES;
JOINT ACCOUNTS; PERSONAL EXEMPTIONS

1. Real Property held by the entireties is taxable to the survivor for inheritance tax purposes at one-half of its value.

2. Joint bank accounts and other jointly held property with right of survivorship are subject to taxation in the proportion in which the decedent contributed to the jointly held personal property with right of survivorship.

3. Where a widow takes all of the property of her deceased husband either under will or because the property passes by reason of survivorship and there are two grown children, the widow does not get the extra exemption of \$2,000.00 to which the Class A beneficiaries would have been entitled if they had an interest in the distribution of the estate.

22 June 1967

TAXATION; INHERITANCE TAX; UNIFORM GIFTS TO MINORS ACT

Where a donor makes a gift pursuant to the North Carolina Uniform Gifts to Minors Act and appoints himself as custodian of the subject of the gift and dies while serving in that capacity before the minor donee attains majority, the custodial property is subject to the North Carolina Inheritance Tax.

3 April 1968

TAXATION; INTANGIBLES TAX; ACCOUNTS RECEIVABLE; NOTES PAYABLE

Where the parent corporation has several subsidiaries and borrows funds from lending institutions executing notes payable therefor, and in turn advances said funds to its subsidiaries and records the advances as notes receivable from the subsidiary, but does not actually obtain a note or other evidence of indebtedness from the subsidiary, the parent may not, for intangibles tax purposes, offset its receivables from the subsidiary corporation with the notes executed in favor of lending institutions since G. S. 105-201 and G. S. 105-202 categorizes different types of intangibles and does not allow notes payable to be used to offset assets in the nature of an account receivable and not represented by a bond, note or other evidence of indebtedness.

11 October 1967

TAXATION; INTANGIBLES TAX; CONSTRUCTION IN PROGRESS

A contractor's interest in construction in progress is an asset subject to the State intangibles tax.

13 February 1968

TAXATION; INTANGIBLES TAX; DEDUCTIBILITY OF INDEBTEDNESS

Where a corporation borrowed money to purchase 100 per cent of the outstanding stock of another corporation but did not pledge the shares acquired to secure the indebtedness so incurred, such indebtedness may not be deducted from the value of such shares in computing the intangibles tax due thereon.

14 February 1968

TAXATION; POLL TAX; CONVICTED FELONS AND INDIGENTS

Convicted felons are not automatically exempt from the State capitation tax. County Commissioners have the discretion to exempt persons from the tax by reason of indigency.

26 October 1967

TAXATION; PRIVILEGE LICENSE TAX; AMUSEMENT MACHINES

Locations at which are kept coin-operated machines which are designed and manufactured to be played for amusement only and the operation of which depends in part upon the skill of the player are subject to the privilege license tax under G. S. 105-66. One license is required for each location.

1 December 1967

TAXATION; PRIVILEGE LICENSE TAX; AUTO DEALER

An automobile finance company which repossesses and sells vehicles which it has financed is not liable for a motor vehicle dealer's license under G. S. 105-89(c) so long as he accepts no trade-ins and sells and advertises only those vehicles which he has financed and repossessed.

21 March 1968

TAXATION; PRIVILEGE LICENSE TAX; GOLF COURSE

A golf course operated for members and guests of members is not used solely and exclusively for private amusement within the meaning of G. S. 105-66 when guests are allowed to pay the green fee in cash and the corporation operating such golf course is subject to the tax levied under G. S. 105-66.

14 May 1968

TAXATION; PRIVILEGE LICENSE TAX; OUTDOOR THEATRE

A drive-in theatre operating two days per week throughout the year is liable for the full amount of tax levied by G. S. 105-36.1.

2 May 1967

TAXATION; PRIVILEGE LICENSE TAX; PEDDLERS

Travelling merchants taking orders on one trip and delivering on the next trip are not liable for the privilege license tax levied by G. S. 105-53. Travelling merchants making sales and delivering the merchandise sold at the same time are subject to the tax.

2 August 1967 and 7 August 1967

TAXATION; PRIVILEGE LICENSE TAX; STATE & MUNICIPAL TAXATION

Where a city operates a coliseum and pays State privilege license tax on entertainment activities under G. S. 105-37.1, the city may not be subjected to a tax by the county on such activities. The activity having been sponsored by the city, the entertainers may not be subjected to a privilege license tax by the county since G. S. 105-37.1 prohibits counties from taxing any activity taxed under that section.

3 June 1968

TAXATION; PRIVILEGE LICENSE TAX; VENDING MACHINES

The 1967 amendment to G. S. 105-65.1 did not alter authority of cities and towns to levy location licenses upon closed container drink dispensers.

21 June 1968

TAXATION; PRIVILEGE LICENSE TAX; VENDING MACHINES

After 1 July 1968, a municipality may not collect occupational license tax, per machine or per dispenser tax, or gross receipts tax from distributors or operators who operate, maintain or distribute cigarette dispensers or dispensers of other tobacco products, under provisions of G. S. 105-65.1(e).

25 November 1966

TAXATION; PROCESS TAX; APPLICATION UNDER CHAPTER 7A

As the several counties of the State come under the provisions of the Judicial Department Act of 1965, the process tax will continue to be collectible by the Clerks of Court but they will no longer receive commissions as provided in G. S. 105-93, but will be required to remit the gross amount collected.

21 March 1968

TAXATION; REAL ESTATE EXCISE TAX; CONVEYANCES TO AND BY
SECRETARY OF HOUSING AND URBAN DEVELOPMENT

A deed from mortgagor to the Secretary of Housing and Urban Development given in lieu of foreclosure is subject to the real estate excise stamp tax.

A deed from mortgagor to mortgagee and subsequent conveyances of the same property by the mortgagee to the Secretary of Housing and Urban Development in lieu of foreclosures are subject to the real estate excise stamp tax.

A deed from mortgagee to the Secretary of Housing and Urban Development following acquisition by mortgagee at foreclosure sale is subject to the real estate excise stamp tax.

A deed from the Secretary of Housing and Urban Development to an

individual conveying real property acquired under one of the situations described above is exempt from the real estate excise stamp tax.

7 May 1968

TAXATION; REAL ESTATE EXCISE TAX; CONVEYANCES TO PARTNERSHIP

Conveyances of real estate to a partnership as a contribution of partnership assets is subject to real estate excise stamp tax.

12 February 1968

TAXATION; REAL ESTATE EXCISE TAX; EXEMPTIONS

Transfers of real estate by merger in accordance with Chapter 55 of the General Statutes are exempt from the real estate excise stamp tax.

20 May 1968

TAXATION; REAL ESTATE EXCISE TAX; EXEMPTIONS

Real Estate excise stamp tax is imposed upon the transferor and exemption therefrom depends upon the nature of the transferor and not the transferee. Transfers to governmental agencies are subject to the tax unless the transferor is in an exempt category.

16 February 1968

TAXATION; REAL ESTATE EXCISE TAX; EXEMPTIONS; PRODUCTION
CREDIT ASSOCIATIONS

Production Credit Associations are instrumentalities of the United States and conveyances of real estate by any such association is exempt from the real estate excise stamp tax.

16 February 1968

TAXATION; REAL ESTATE EXCISE TAX; EXEMPTIONS; TRANSFERS
BY REDEVELOPMENT COMMISSION

Urban Redevelopment Commission established in accordance with G. S. Chapter 160, Article 37, are governmental instrumentalities within the meaning of G. S. 105-228.28 and as such their conveyances are exempt from real estate excise stamp tax.

3 January 1968

TAXATION; REAL ESTATE EXCISE TAX; EXEMPTIONS; TRANSFERS BY
SAVINGS & LOAN ASSOCIATION

Transfers of realty by Federal Savings and Loan associations are exempt from real estate excise transfer tax.

4 January 1968

TAXATION; REAL ESTATE EXCISE TAX; RECORDING OF INSTRUMENTS

Real Estate Excise Transfer Tax Stamps must be affixed to deeds and other instruments conveying interest in realty prior to their recordation. The Register of Deeds may require affidavits as he deems necessary to substantiate the consideration paid for real estate prior to registering the deed. A Register of Deeds recording instruments knowing they are subject to the tax but which contain insufficient stamps may be subject to criminal penalties imposed by G. S. 105-228.34. The Register of Deeds has primary responsibility for enforcement of the real estate excise transfer tax laws.

18 March 1968

TAXATION; REAL ESTATE EXCISE TAX; SALE OF ASSETS FOR SHARES
OF PURCHASING CORPORATION

Where a corporation transfers all its assets including real estate to another corporation in exchange for shares of the latter corporation's stock and later the transferor corporation is dissolved, the transfer of real estate is subject to the real estate excise stamp tax.

16 May 1968

TAXATION; REAL ESTATE EXCISE TAX; TIMBER DEEDS

Conveyance of standing timber for a given price per one thousand feet to be paid as timber is cut is subject to the real estate excise stamp tax.

11 August 1967

TAXATION; SALES TAX; PRIORITY OF TAX LIENS

Where certificate of tax liability for State sales taxes was recorded in the office of the Clerk of Superior Court prior to the making of certain federal tax assessments, the certificate of tax liability for the State taxes constitutes a lien on all real estate of the taxpayer in the county where the certificate is docketed, and has priority over the lien created by the later federal assessments.

25 October 1967

TAXATION; SALES TAX; SALES TO NONRESIDENT PURCHASERS

Placement of a purchase order by a manager of an out-of-state division of a North Carolina corporation with a North Carolina printer for catalogs which are printed and mailed by the printer to customers of the corporation according to a list prepared by the corporation, which customers are located both within and without the State of North Carolina, does not result in the order being excepted from North Carolina Sales Tax.

30 August 1966

TAXATION; SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS; LIABILITY
OF CHURCH-OWNED PROPERTY

Church-owned real property otherwise exempt from ad valorem taxation is liable for special assessments for local improvements.

WELFARE LAWS

29 March 1967

WELFARE LAWS; ABANDONMENT PROCEEDINGS; AFTER CHILD HAS
BECOME EIGHTEEN YEARS OF AGE

When there has been no adjudication of abandonment prior to a child's becoming eighteen years of age, nor even any institution of a proceeding to have him declared abandoned, the child cannot lawfully be declared to be abandoned within the meaning of G. S. 48-2 (3) and G. S. 48-2 (3b).

26 January 1968

WELFARE LAWS; ABANDONMENT PROCEEDINGS; NOTICE

In G. S. 48-5 the words "abandoned child" mean a child who has been abandoned after birth. If the ten days' notice mentioned in G. S. 48-5 is given to the father of the allegedly abandoned child, such notice will be effectual notwithstanding that the father is in prison.

15 March 1967

WELFARE LAWS; ABANDONMENT PROCEEDINGS; PAYMENT OF COSTS BY
COUNTY ON BEHALF OF INDIGENTS

A board of county commissioners has authority to pay to the clerk of court the costs of abandonment proceedings instituted on behalf of indigents, provided such payments are made from funds appropriated or transferred for that purpose by the board of county commissioners; provided further, that any action taken with regard to such payments is in accordance with the County Fiscal Control Act set forth in Article 10 of Chapter 153 of the General Statutes.

18 June 1968

WELFARE LAWS; ABORTIONS; MENTAL RETARDATION AS CONSTITUTING
MENTAL DEFECT

A substantial risk that a child would be born with grave mental retardation constitutes a substantial risk that the child would be born with "grave mental defect" within the meaning of G. S. 14-45.1.

3 November 1967

WELFARE LAWS; ADOPTION OF ADULTS; LACK OF AUTHORITY FOR
CHANGE OF NAME AND ISSUANCE OF NEW BIRTH CERTIFICATE

The provisions of G. S. 48-29 and G. S. 48-36 do not provide authority for an order changing the name of a person adopted under the provisions of G. S. 48-36 or the issuance of a new birth certificate for such adopted person.

17 January 1967

WELFARE LAWS; ADOPTION OF MINORS; ADOPTION OF FOREIGN-BORN
CHILD BY RESIDENT ALIENS

Resident aliens, not citizens of the United States, who have established the required period of residence in North Carolina, may adopt a foreign born child in the State of North Carolina.

18 October 1967

WELFARE LAWS; ADOPTION OF MINORS; CONSENT TO ADOPTION;
INVALIDITY

A general power of attorney does not give the recipient of such power the right to sign, in the place of the one who bestowed the power, a consent to the adoption of a minor child of the person bestowing the power of attorney.

28 February 1968

WELFARE LAWS; ADOPTION OF MINORS; EFFECT OF DEATH OF ADOPTING
PETITIONER BEFORE ENTERING OF INTERLOCUTORY DECREE

When there is only one adopting petitioner in a proceeding for the adoption of a minor, and the adopting petitioner dies before the entry of the interlocutory decree, the adoption proceeding is terminated.

26 September 1967

WELFARE LAWS; ADOPTION OF MINORS; INVALIDITY OF CONSENT TO
ADOPTION AND PETITION FOR ADOPTION EXECUTED PRIOR TO THE
BIRTH OF THE CHILD

Parents' consent to adoption executed prior to the birth of the child to be adopted is not valid. A petition for adoption executed prior to the birth of the child to be adopted is not valid.

8 November 1967

WELFARE LAWS; ADOPTION OF MINORS; MARRIAGE OF MINOR
WHILE ON ADOPTION PROCEEDING IS PENDING

The marriage of a minor during the pendency of a proceeding for the adoption of such minor has no legal effect on such proceeding.

6 November 1967

WELFARE LAWS; ADOPTION OF MINORS; WAIVER OF
INTERLOCUTORY DECREE

In G. S. 48-21 (c), the words "where the child is at least 12 years of age" refers to the age of the child at the time of the waiving of the interlocutory decree and the probationary period and the granting of the final order of adoption. It is not required by G. S. 48-21 (c), as a prerequisite to the waiving of the interlocutory decree and the probationary period and the entering of the final order of adoption that the child to be adopted be 12 years of age prior to or at the time of the filing of the petition for adoption.

6 February 1968

WELFARE LAWS; ADOPTIONS; CHARGING OF FEES BY COUNTY

County departments of public welfare may not charge fees for adoption services.

13 December 1967

WELFARE LAWS; COUNTIES AND COUNTY COMMISSIONERS; AID TO THE
NEEDY BLIND

A board of county commissioners may not lawfully delegate to a county director of public welfare the responsibility or authority to decide whether persons will or will not receive Aid to the Needy Blind assistance under Article 2 of Chapter 111 of the General Statutes.

6 July 1967

WELFARE LAWS; COUNTIES AND COUNTY COMMISSIONERS; AUTHORITY
OF THE STATE BOARD TO MAKE RULES AS TO NUMBER OF
COUNTY WELFARE EMPLOYEES

The State Board of Public Welfare has authority to make rules and regulations as to the minimum number of employees in the various categories to be hired by the counties for the purpose of carrying out the provisions of Article 3 of Chapter 108 of the General Statutes, and the boards of county commissioners are legally obligated to comply with such rules and regulations, regardless of whether there are Federal regulations requiring the number of employees prescribed by the State Board of Public Welfare in a given category.

26 June 1968

WELFARE LAWS; COUNTY BOARDS; PHYSICIANS; PAYMENT TO
MEMBER OF BOARD

While a physician is serving as a member of a county welfare board, he may not lawfully accept payment from county funds administered by the county welfare board for medical services rendered by him.

16 August 1967

WELFARE LAWS; COURTS; CUSTODY OF CHILDREN

A Juvenile Court or a Domestic Relations Court in North Carolina may award custody of a child who lives within the jurisdiction of the court to a non-resident of North Carolina over whom the court has no jurisdiction.

8 August 1967

WELFARE LAWS; COURTS; JUDICIAL REVIEW OF DECISIONS OF THE STATE BOARD OF ALLOTMENTS AND APPEAL

A county board of public welfare may ask for and secure judicial review of decisions of the State Board of Allotments and Appeal.

18 August 1967

WELFARE LAWS; FOOD STAMP ACT OF 1964; AUTHORITY OF THE STATE BOARD OF PUBLIC WELFARE; AUTHORITY OF THE UNITED STATES SECRETARY OF AGRICULTURE

Authority for the State Board of Public Welfare to conduct a food stamp program in a county which fails or refused to do so is provided by Subsection 13 of G. S. 108-3, provided the plan for such a program is approved by the Federal Secretary of Agriculture. The authority of the Federal Secretary of Agriculture to conduct a food stamp program in a county which does not do so for itself is provided by Section 14 (a) of the Food Stamp Act of 1964.

10 November 1967

WELFARE LAWS; GUARDIANS; AUTHORITY OF DIRECTOR OF PUBLIC WELFARE

When a child has no natural guardian or when the child has been abandoned and there is no other person who can or will sign consent for the child to have major surgery, the county director of public welfare may sign such consent. If a child obviously has been abandoned, there is no necessity for a declaration of abandonment by a court before the director may give permission for the child to have surgery, regardless of how recently the period of abandonment may have begun. In general, if a child is found somewhere and the parents are unknown or cannot be located and no one is taking care of the child, the director of public welfare may assume the authority of a parent over the child.

8 July 1966

WELFARE LAWS; GUARDIANS; AUTHORITY OF STATE OR COUNTY BOARDS TO REFUSE TO MAKE WELFARE PAYMENTS TO A GUARDIAN

When a Clerk of Court issues an order appointing a guardian, neither the State Board of Public Welfare nor any county board of public welfare has

legal power to refuse to make payment to the guardian on the grounds of the alleged invalidity of the order appointing him.

The United States Department of Health, Education, and Welfare does not have authority pursuant to any statute or valid regulation thereunder to withhold Federal assistance payments to legal representatives appointed pursuant to G. S. 35-3.

18 January 1967

WELFARE LAWS; JUVENILES; JURISDICTION OF CRIMINAL COURTS

The County Criminal Court does not acquire, under G. S. 14-27, jurisdiction over an offender who is under 16 years old. A person under 16 years of age may not be charged with a felony, by virtue of a violation of G. S. 14-26, within the meaning of G. S. 110-29 (6) and may not be bound over to the County Criminal Court or to the Superior Court.

17 April 1967

WELFARE LAWS; JUVINILES; JURISDICTION OF CRIMINAL COURTS

When a juvenile is charged at one and the same time for the commission of two felonies, each punishable by a sentence of ten years, the District Court is not deprived of jurisdiction by virtue of the aggregate total of the two possible sentences, and the District Court may retain jurisdiction or may bind the child over to the Superior Court, despite the fact that the two crimes were committed almost simultaneously.

26 September 1966

WELFARE LAWS; LIENS; CANCELLATION; NECESSITY FOR FUNDS TO
BE PAID TO THE CLERK

When a welfare recipient or some person on his behalf makes refund of old age assistance payments or aid to the permanently and totally disabled payments, they should be paid directly to the clerk, or, if funds are to be collected by the director of public welfare, they should be relayed by the director to the clerk along with the request for cancellation of the lien. The clerk is not authorized to make a practice of cancelling welfare liens upon request by the director of public welfare without any money coming into his hands. In any case in which funds have already been disposed of by the director, the clerk may cancel the lien upon satisfying himself that the funds have been disposed of in the same manner as the law would have required him to dispose them if they had been paid into his hands.

23 November 1966

WELFARE LAWS; LIENS; EFFECT OF LIEN ON CUT TIMBER IN THE
HANDS OF THE PURCHASER

When a county has a welfare lien against a life estate in realty under G. S. 108-30.1 or under G. S. 108-73.12a, the lien does not attach to timber

which has been cut from the realty and has been sold to a third person by the life tenant and the remainderman. The remedy of a county having a welfare lien, in case of the cutting and selling of timber by the life tenant and remainderman, is to seek an injunction against the tenant, remainderman, and purchaser of the timber to restrain further waste, and to include a prayer for damages for the timber already cut and sold. The county does not have a cause of action solely for waste.

8 November 1966

WELFARE LAWS; LIENS; ENTIRETIES PROPERTY

The surviving spouse of a tenancy by the entirety takes the property free of an Aid to the Permanently and Totally Disabled lien filed against the deceased spouse under G. S. 108-73.12a.

28 November 1966

WELFARE LAWS; LIENS; FAILURE TO BRING AN ACTION TO ENFORCE THE LIEN WITHIN THE TIME REQUIRED

The failure to bring an action to foreclose an old age assistance lien within the time limitations set forth in G. S. 108-30.1 is a bar to the institution of foreclosure proceedings and is not merely a matter of affirmative defense to be raised by the pleadings of the defendant.

29 September 1966

WELFARE LAWS; LIENS; RELEASE IN CONSIDERATION OF LIEN BEING MADE APPLICABLE TO OTHER REAL ESTATE

Provided that the property to be substituted is equal or greater in value than the property released, county commissioners may execute a release of an old age assistance lien upon consideration of the lien being made applicable to newly acquired real property to be substituted for the property which is the subject of the release, the newly acquired property to be purchased with funds resulting from the sale of the property released from the lien, regardless of whether the sale is voluntary or the result of a taking by the State.

23 February 1968

WELFARE LAWS; LIENS; RENTING OUT OF THE REAL ESTATE

A county welfare department does not have the power to rent out the property on which it has a lien prior to foreclosure of the lien, and when the county has rented out such property it is not entitled to the rents derived therefrom.

20 February 1968

WELFARE LAWS; LIENS; SALE OF PROPERTY FOR DELINQUENT
AD VALOREM TAXES

When real property which is occupied by an Old Age Assistance recipient or other person mentioned in G. S. 108-30.1, and on which a county has a lien for old age assistance welfare payments is sold for delinquent ad valorem taxes, payment of the welfare lien should be made to the county in accordance with G. S. 105-391(s), for appropriate distribution in accordance with the provisions of G. S. 108-30.3, to the extent that funds are available after payment of the taxes, assessments, interest, and costs mentioned in G. S. 105-391(s) and after payment of any other liens and encumbrances that were recorded prior to the recordation of the welfare lien so as to take priority over the welfare lien.

8 June 1967

WELFARE LAWS; LIENS; SPECIAL PROCEEDINGS TO MAKE ASSETS

When real estate, on which there is a welfare lien, is sold by an administrator to make assets, the costs and expenses of effecting the sale may be paid out of the proceeds to the same extent and in the same manner as if the county were an unsecured creditor rather than a lienholder.

20 September 1966

WELFARE LAWS; LIENS; SUBJECT TO DEED OF TRUST

When a welfare recipient receives property by conveyance, the terms of which provide that the conveyance is subject to a deed of trust, the old age assistance lien or the aid to the permanently and totally disabled lien which attaches to the property is subject to the deed of trust.

9 November 1967

WELFARE LAWS; PAYMENTS TO PERSONS DISCHARGED FROM
PUBLIC INSTITUTIONS

The State Board of Public Welfare may, by duly adopted rules and regulations, provide for Old Age Assistance payments and Aid to the Permanently and Totally Disabled payments to persons discharged from public institutions for the portion of the month remaining after such discharge in any given instance.

23 September 1966

WELFARE LAWS; RETIREMENT HOMES; LEGAL RESIDENCE

Ordinarily, when a person moves into a home under circumstances indicating an intent to remain there permanently, he acquires legal settlement in the county where the home is located after remaining in the home for

three months, irrespective of whether he has paid any money to the home and notwithstanding that he may eventually require medical care which may or may not be provided by the home.

27 March 1968

WELFARE LAWS; STATE BOARD OF PUBLIC WELFARE; PAYMENTS TO
PATIENTS IN STATE MENTAL HOSPITALS

The State Board of Public Welfare may not lawfully make money payments to patients in the State mental hospitals to meet their incidental needs.

5 June 1968

WELFARE LAWS; STATUTES PREVENTING INSTITUTION OF THE WORK
INCENTIVE PROGRAM WITHOUT ADDITIONAL LEGISLATION

G. S. 108-46 (2) and G. S. 108-59 prevent the implementation of the Work Incentive Program, provided for by the 1967 amendments to the Federal Social Security Act, without additional State legislation.

30 April 1968

WELFARE LAWS; STERILIZATION OF PERSONS MENTALLY DEFECTIVE;
DIRECTOR OF PUBLIC WELFARE ACTING AS GUARDIAN

The legal status of a general guardian or "next of kin," and the legal effect of the acts of such a guardian or "next of kin" are not affected by the fact that such guardian or "next of kin" also serves as the county director of public welfare and as the "prosecutor". A welfare director who is required by G. S. 35-39 to be the prosecutor may not lawfully serve as guardian ad litem in a proceeding for the sterilization of a mentally defective person under the provisions of Article 7 of Chapter 35 of the General Statutes.

12 June 1968

WELFARE LAWS; STERILIZATION OF PERSONS MENTALLY DEFECTIVE;
LACK OF AUTHORITY TO STERILIZE NON-RESIDENTS

A non-resident of North Carolina who comes to this State, or who is brought to this State, for the sole purpose of being sterilized or asexualized may not be sterilized or asexualized under the provisions of Chapter 35 of the General Statutes.

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